

CHARGED WITH A **TEXAS DWI** FOR THE FIRST TIME?



A GUIDE TO PROTECTING YOUR
LICENSE, FREEDOM, AND FUTURE

By Stephen Hamilton | James Publishing

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The Texas Criminal Defense Group

www.texascriminaldefensegroup.com

About Me and DWI Cases

Over the years I have tried on average more cases in a year than most criminal lawyers try in ten years, and I have handled over 100 jury trials.

I believe I am in court so often for two reasons. First, I like my clients. If I can help them in their time of need I want to do whatever I can. Second, I like trials. I enjoy the stress that comes with being in trial. I believe that when I walk in that courtroom, as arrogant as this might sound, I am in charge.

DWIs are the cases I handle most frequently. Seven attributes make them challenging.

1. Dual Track System

- Attorneys must fight on two fronts simultaneously: the criminal case and the Administrative License Revocation (ALR) hearing
- These are separate proceedings with different rules, timelines, and outcomes
- The 15-day deadline for the ALR hearing creates immediate time pressure

2. Strong Prosecution Evidence

- BAC test results (0.08% or higher creates a legal presumption of intoxication)
- Field sobriety test observations
- Officer testimony about driving behavior, appearance, and demeanor

- Video evidence from dashcams and bodycams
- Police reports documenting every detail

3. Need for Scientific Expertise

- Challenging breath/blood tests requires understanding calibration, maintenance logs, and testing procedures
- Medical conditions (diabetes, GERD, neurological issues) need expert testimony to explain
- Rising BAC defenses require toxicology expertise
- Expert witnesses are expensive and time-consuming

4. Limited Suppression Opportunities

- Must prove the traffic stop was completely unlawful
- Must show field sobriety tests were improperly administered
- Must demonstrate concrete chain of custody or procedural errors
- Video evidence often supports officer's version

5. Texas Takes DWI Seriously

- Even first offenses carry mandatory minimums (72 hours jail)
- Enhancement for BAC $\geq 0.15\%$ (Class A misdemeanor)
- Judges and juries tend to be less sympathetic

6. High Stakes

- License suspension affects employment
- SR-22 insurance requirements
- Professional license implications
- Immigration consequences for non-citizens
- Future DWIs carry enhanced penalties

Despite these challenges, many DWI cases are successfully defended through:

- Challenging illegal stops
- Exposing test administration errors
- Highlighting officer credibility issues
- Finding missing/lost evidence
- Demonstrating medical conditions
- Creating reasonable doubt

I hope you find the information and advice in this guide helpful.

Stephen Hamilton

About Texas Criminal Defense Group

We understand the gravity of the situations our clients face and we go the extra mile to ensure your rights are protected. We leave no stone unturned in building a robust defense strategy. From investigating the case to gathering evidence, interviewing witnesses, and analyzing every aspect of the prosecution's case, we leave no room for oversight. We understand the nuances of the law and leverage our expertise to identify potential weaknesses or inconsistencies in the prosecution's argument.

We go beyond the courtroom and offer guidance, reassurance, and emotional support throughout the legal process. We understand the stress and anxiety our clients experience and work tirelessly to alleviate their concerns. Whether it's explaining legal procedures, addressing questions, or preparing clients for trial, we ensure that our clients are well-informed and empowered every step of the way. By going the extra mile, we demonstrate our commitment to achieving the best possible outcome for our clients and upholding justice.

Results, Period

We believe that winning is not just important, but the ultimate goal. When it comes to your case, achieving victory is the sole focus, and if you choose to hire our services, it becomes our utmost responsibility to deliver the desired results to you.

People over Process Always

Our commitment is to provide Five-Star Service, and the abundance of success stories is a testament to our dedication. Our team of attorneys is passionate about advocating for our clients and ensuring their rights are protected. We go above and beyond to deliver exceptional representation, tailored to each individual case. From the initial consultation to the final resolution, we prioritize clear communication, responsiveness, and personalized attention. Our attorneys possess extensive legal knowledge, courtroom expertise, and a track record of achieving favorable outcomes for our clients. With a client-centered approach, we strive to exceed expectations and provide the highest level of service throughout the entire legal process.

Texas Criminal Defense Group

<https://texascriminaldefensegroup.com/>

806-444-4444

Offices in: Amarillo, Austin, Dallas, Denton, Fort Worth, Houston, Lubbock, McKinney, Midland, Odessa, San Angelo, and San Antonio.

Google Reviews

4.9 rating, 500+ reviews

Jeremy Belvin ★★★★★

My attorney was phenomenal and wrapped up the entire felony case and had it reduced to a misdemeanor in in 3 months time start to finish. The office personnel were just as amazing and messaged me about any updates. I wasn't a bargaining chip like most attorneys use clients for. Everything was laid out plain and simple, and I had to do my part.

Kevin Mosansky ★★★★★

I am grateful to the Texas Criminal Defense Group for getting my case dismissed.

Carlos Per ★★★★★

The attorney assigned to my case was not only knowledgeable but also genuinely cared about my situation. He took the time to explain the implications of my charges, the potential outcomes, and the strategy they would employ to advocate for me.

When the day of my court appearance arrived, I felt prepared and supported. The outcome was far better than I had anticipated, and I left the courtroom relieved. I learned a valuable lesson about responsibility and the importance of making better choices.

Brandon Wright ★★★★★

They kept me informed the whole time. Anytime I had questions they were quick to give me answers. Very knowledgeable and professional. Definitely recommend to everyone.

Freddie Young ★★★★★

Very professional lawyers, they weren't afraid to step in the middle of the prosecutors' circle and talk them down to a lesser charge. I'm very satisfied with the outcome of my case. Hopefully I won't have to, but if I do I will call them for their service again.

Kendall Anderson ★★★★★

Texas Criminal Defense Group came through for me in one of the scariest times of my life. Having representation that is familiar with the process was very important to me. I had that with them, and would recommend and use them again.

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INTRODUCTION

If you're reading this, there's a good chance you or someone you love has been arrested for Driving While Intoxicated (DWI) in Texas.

Maybe it was a momentary lapse in judgment. Maybe you didn't feel impaired. Maybe you thought you were fine to drive. Or maybe you just made a mistake.

Whatever the circumstances, what matters now is that you're facing a legal situation that can feel confusing, frightening, and deeply personal. A DWI charge is serious, and it can affect your ability to drive, your freedom, your finances, your reputation, and your future.

But here's what this book is here to tell you: You are not alone. And you are not powerless.

This guide was written for people just like you – first-time DWI defendants in Texas who are trying to understand what's happening, what to expect, and what steps they can take to protect themselves.

You don't need a law degree to read it. You don't have to be an expert in the legal system. You just need the right information, explained clearly and compassionately.

What This Book Will Do for You

- **Demystify the legal process.** I'll walk you through what happens after a DWI arrest, from the traffic stop to court hearings to the possibility of trial.
- **Explain what's at stake.** Your driver's license, your job, your record, and your freedom may all be affected. I will help you understand the risks and your options.
- **Show you how to build a strong defense.** You'll learn how experienced DWI attorneys like me challenge the stop, the tests, and the evidence.
- **Help you avoid common mistakes.** I'll cover what not to do after a DWI and how to stay in control of your case and your future.
- **Support your recovery, both legal and personal.** If this experience has been a wake-up call, I'll share resources for reflection, treatment, and long-term growth.

You are not the first person to face this, and you won't be the last.

But what you do next matters. You can either let this define you, or you can use it as a turning point. This book is here to help you choose the second option.

CHAPTER 1

WHAT JUST HAPPENED?

UNDERSTANDING YOUR DWI ARREST

- 1.1 What Is a DWI in Texas?
- 1.2 Key Legal Terms (In Plain English)
- 1.3 The Arrest Process: From Traffic Stop to Jail
- 1.4 Breath Test, Blood Test, or Refusal: What It Means for You
- 1.5 Booking, Bail, and Getting Out
- 1.6 Police Mistakes That Could Matter Later

If you've recently been arrested for DWI in Texas, you're probably feeling overwhelmed, confused, embarrassed, or even terrified. You may be replaying the night over and over in your mind, wondering what comes next—and what you should do now.

First things first: take a deep breath.

Being charged with a DWI does not make you a bad person. It means you're facing a serious legal matter that requires immediate attention, careful planning, and informed action.

This chapter walks you through what just happened—step by step—so you can start to make sense of it.

1.1 What Is a DWI in Texas?

In Texas, DWI stands for Driving While Intoxicated. You can be arrested for DWI if an officer believes you were:

- Driving a vehicle
- In a public place
- While intoxicated

But what does “intoxicated” really mean?

Two Ways to Be “Intoxicated” Under Texas Law:

1. Your Blood Alcohol Concentration (BAC) is 0.08% or higher. This is the most common way a DWI is charged. It’s straightforward: if your BAC test shows 0.08% or above, you’re presumed intoxicated under the law.
2. You’ve lost the normal use of your mental or physical faculties. This is more subjective. Even if your BAC is below 0.08%, you can still be arrested if the officer believes you can’t think clearly or move normally. This might be based on field sobriety tests, slurred speech, or how you were driving.

What About “DUI”?

Texas uses the term DUI (Driving Under the Influence) differently than many other states. Here, it generally applies only to minors—people under 21 who have any detectable amount of alcohol in their system.

If you’re 21 or older, the charge will almost always be DWI—not DUI.

Important note: Many drivers think they must comply with everything the officer asks. You are not legally required to

perform field sobriety tests—like walking a line, standing on one leg, or following a pen with your eyes. These tests are voluntary—but officers don't always tell you that.

1.2 Key Legal Terms (In Plain English)

Understanding a few basic terms can make the process less intimidating. Here are some of the most common words and phrases you'll hear:

- **BAC (Blood Alcohol Concentration):** The percentage of alcohol in your bloodstream. A BAC of 0.08% or higher is legally intoxicated in Texas.
- **Field Sobriety Tests (FSTs):** These are physical or mental coordination tests an officer may ask you to perform during a traffic stop. They're designed to give the officer clues about whether you're impaired.
- **Implied Consent:** By driving in Texas, you've automatically agreed to take a breath or blood test if lawfully arrested for DWI. Refusing has consequences—but you still have the right to refuse.
- **ALR Hearing:** A separate administrative process where your license suspension is reviewed. You only have 15 days from your arrest to request this hearing.
- **Class B Misdemeanor:** A first-offense DWI is usually a Class B misdemeanor—unless your BAC was 0.15 or higher, or other factors apply.
- **Enhancement:** Certain facts—like having a child in the car or a prior DWI—can turn your charge into a more serious offense with harsher penalties.

1.3 The Arrest Process: From Traffic Stop to Jail

Most DWI arrests begin the same way: with a traffic stop.

The officer may pull you over for speeding, swerving, or running a red light. Other times, it's a roadblock or checkpoint. Either way, once you're stopped, the officer is already looking for signs of intoxication.

Here's what typically happens next:

- **Observation:** The officer watches your behavior—how you speak, how you move, whether your eyes are bloodshot or glassy. They note the smell of alcohol, any slurred speech, or difficulty following instructions.
- **Field Sobriety Tests:** You may be asked to perform a series of physical tests. These are voluntary, but many people don't realize that. If you refuse, the officer will note it—and it may be mentioned later in court.
- **Breath or Blood Test:** The officer may ask you to take a breath test. If you refuse, they may try to get a warrant for a blood test. Keep in mind: refusing can trigger an automatic license suspension.
- **Arrest:** If the officer believes there's enough evidence, you'll be handcuffed, searched, and placed in the patrol car. You'll be read your Miranda rights—usually.
- **Booking:** At the station, they'll take your fingerprints and mugshot. You may be asked additional questions. Then you'll wait for bail or release.

Keep in mind: Most patrol cars have dash cams, and many officers wear body cams. If you were polite, steady, or showed no signs of impairment, your attorney can request this footage. It can be some of the best evidence in your favor.

1.4 Breath Test, Blood Test, or Refusal: What It Means for You

Breath Test

Quick, simple, and done at the scene or the jail. But the machines are not always reliable, and there are many technical defenses to challenge the results.

Blood Test

Often used if you refuse the breath test or if officers suspect drugs. It takes longer and requires a warrant in most cases. Blood tests are harder to challenge, but not impossible.

Refusal

Refusing to give a sample can help or hurt your case depending on the circumstances.

Pros:

- Less evidence for the prosecution
- May make trial harder for the state

Cons:

- Automatic license suspension (up to 180 days for a first refusal)
- Prosecutor can argue you refused because you were intoxicated
- May be used against you in court

You have the right to refuse, but you also have to deal with the consequences of that refusal.

Critical deadline: If you refused a breath or blood test—or failed one—you have just 15 days from the date of your arrest to request an ALR (Administrative License Revocation) hearing. If you miss this deadline, your license will automatically be suspended. Action Step: Contact an attorney immediately to preserve your right to drive.

1.5 Booking, Bail, and Getting Out

Once arrested, you're taken to jail and booked into the system. This can take several hours.

You'll go through the following steps:

- Search and Intake: Your personal items are collected. You're put in holding.
- Fingerprinting and Mugshot: Standard for all arrests.
- Magistration: A judge reads the charges against you and sets your bail.

How to Get Out:

- Cash Bond: Pay the full amount yourself (usually returned later).
- Bail Bond: A bonding company pays the bail for a non-refundable fee (typically 10–15%).
- Personal Recognizance (PR) Bond: You're released without payment based on your promise to return to court.

1.6 Police Mistakes That Could Matter Later

Officers are human—and they make mistakes. And when they do, it may help your defense.

Common Procedural Errors That May Be Important:

- **Illegal Stop:** If the officer had no valid reason to pull you over, everything that followed may be thrown out. This is called a “suppression motion,” and it’s one of the strongest tools in a defense lawyer’s toolkit.
- **Badly Given Field Sobriety Tests:** These tests must be administered exactly according to standardized procedures. If the officer didn’t follow those rules, the results may be unreliable.
- **Faulty Breath Test Machine:** If the device wasn’t calibrated or maintained properly, the result could be inaccurate or inadmissible.
- **Warrant Issues:** If your blood was taken without a valid warrant or consent, that evidence might be excluded from trial.
- **Failure to Read Rights:** If you weren’t properly informed of your rights (especially during interrogation), certain statements you made may not be used against you.

A skilled DWI attorney will investigate your case for these issues—and more.

Remember: If the officer had no valid reason to pull you over, your lawyer may be able to get the entire case dismissed. Even a minor mistake—like pulling you over based on a hunch rather than an actual traffic violation—can lead to suppression of all evidence.

In Summary:

Being arrested for DWI is a traumatic, confusing experience. You may feel like everything is spiraling out of control. But here’s the truth: this is not over. You still have rights. You still have options. And you still have time to fight back.

In the chapters ahead, we'll walk through the consequences of a DWI, what to do right now to protect yourself, and how to find the right attorney who can give you the best chance at a favorable outcome.

Frequently Asked Questions

Q: Can I get a DWI even if I wasn't "drunk"?

A: Yes. You can be charged if your BAC is 0.08% or higher, or if the officer believes you've lost the normal use of your mental or physical abilities. You don't have to feel drunk to be legally intoxicated.

Q: What happens if I refused the breath or blood test?

A: Refusing can trigger an automatic driver's license suspension (up to 180 days for a first offense), and the prosecutor may argue that you refused because you knew you were intoxicated. However, it also means there's one less piece of evidence against you.

Q: Will I go to jail for a first-time DWI in Texas?

A: It depends. Jail time is possible—but not guaranteed. Many first-time offenders receive probation or other sentencing alternatives. The outcome depends on the facts of your case, your criminal history, and the strength of your defense.

Q: The officer never read me my rights. Does that help my case?

A: It might. If you were interrogated (questioned) after being arrested and weren't read your Miranda rights, certain statements you made might be excluded from evidence.

However, the officer doesn't have to read your rights just to arrest you—only before questioning you in custody.

Q: Can I get a DWI even if I wasn't driving?

A: Yes. In Texas, you can be charged with DWI if you were "operating" a vehicle while intoxicated—even if the car wasn't moving. Being behind the wheel with the keys in the ignition (or even nearby) can be enough.

Q: Do I need a lawyer if it's my first DWI?

A: Absolutely. Texas takes DWI charges seriously, even for first-timers. A good DWI attorney can fight to protect your license, reduce or dismiss charges, and help you avoid a permanent criminal record. Don't try to handle this alone.

CHAPTER 2

WHAT YOU'RE FACING: THE REAL-WORLD CONSEQUENCES OF A TEXAS DWI

- 2.1 Criminal Penalties: What the Law Says
- 2.2 Driver's License Suspension: The ALR System
- 2.3 Getting to Work: Occupational Licenses
- 2.4 Your Car, Your Insurance, and SR-22
- 2.5 Your Job and Career
- 2.6 Future Consequences: Housing, Travel, and Background Checks
- 2.7 The Personal Side: Stress, Shame, and Social Fallout

Being arrested for DWI is a wake-up call. Whether you feel angry, ashamed, confused, or all three, what matters now is understanding exactly what's at stake.

This chapter walks you through the legal, financial, personal, and long-term consequences of a DWI in Texas so you know what you're facing and can make better decisions moving forward.

2.1 Criminal Penalties: What the Law Says

If this is your first DWI offense, you're likely facing a Class B misdemeanor—but don't let the word misdemeanor fool you. In Texas, DWI is taken very seriously.

Here's what the law says for a first-time DWI in Texas:

- Jail time: 72 hours minimum, up to 180 days
- Fine: Up to \$2,000, not including court costs or surcharges
- License suspension: 90 days to 1 year
- Additional fees: You may also be required to pay a \$3,000–\$6,000 “state fine” under the Texas Driver Responsibility Program (though this program was discontinued in 2019, older cases may still be affected)

Important: If your BAC was 0.15% or higher, your charge may be upgraded to a Class A misdemeanor, with up to 1 year in jail and a fine of up to \$4,000.

Critical note: A DWI is a criminal offense, not a traffic violation. Even a first-time charge creates a permanent criminal record unless your case is dismissed and expunged—or you qualify for record sealing. Treat it seriously. Don't assume you can “just pay a fine and move on.”

Other Situations That Make It Worse:

These are called “enhancements” and can increase penalties dramatically:

- DWI with a child passenger (under 15): State jail felony
- Accident causing serious injury: Felony DWI with intoxication assault

- Accident causing death: Intoxication manslaughter (second-degree felony)

2.2 Driver's License Suspension: The ALR System

In Texas, there are two separate legal tracks after a DWI arrest:

- The criminal case (what happens in court)
- The administrative case (what happens to your driver's license)

The second one is called the ALR process—short for Administrative License Revocation.

Here's how it works:

- If you refused a breath or blood test: Your license may be suspended for 180 days.
- If you failed the test ($BAC \geq 0.08$): Your license may be suspended for 90 days.

Critical deadline: You may request an ALR hearing deadline up to 15 days after the date of the Notice of Suspension or Revocation. Miss that deadline, and your license will be suspended automatically—even if you win your criminal case later.

2.3 Getting to Work: Occupational Driver's Licenses (ODL)

If your license is suspended, you may be eligible for an Occupational Driver's License, which allows you to drive for essential purposes only:

- Work
- School

- Childcare
- Medical appointments
- Grocery shopping and court-related obligations

Getting an ODL involves:

- Filing a petition with the court
- Paying filing and reinstatement fees
- Possibly attending a hearing
- Purchasing SR-22 insurance (more on this in the next section)
- Installing an ignition interlock device (if required)

Tip: Some counties waive the hearing if no objections are filed. Others require an in-person appearance. Your lawyer can guide you through this process.

Important restriction: An Occupational Driver's License (ODL) allows you to drive legally during a suspension—but only for approved purposes (like work and school) and during specific hours. Driving outside of your court-approved hours can land you in more legal trouble.

2.4 Your Car, Your Insurance, and SR-22

DWI doesn't just affect your freedom—it hits your wallet, too.

SR-22 Insurance

After a DWI, the state requires you to file an SR-22 certificate with the Texas Department of Public Safety. This isn't a type of insurance—it's proof that you have the minimum required coverage.

You'll need SR-22 coverage for at least 2 years, and your rates could go up hundreds or thousands of dollars per year.

In some cases, your insurance company may even drop you—and you'll have to find coverage from a high-risk provider.

Cost reality: After a DWI, you'll need to file SR-22 insurance paperwork—and most drivers see their premiums double or triple for several years. Shop around—some insurers specialize in high-risk drivers and offer better rates than your current company.

Other Car-Related Costs:

- Vehicle towing and impound: \$250–\$500+
- Ignition interlock device: \$70–\$100/month (if required)
- Installation and maintenance fees for the interlock

2.5 Your Job and Career

One of the scariest parts of a DWI is how it might affect your employment.

- If you drive for work (delivery, sales, rideshare, CDL driver), a license suspension could make you ineligible to keep your job.
- If you hold a professional license—like nurse, teacher, lawyer, pilot, or real estate agent—you may be required to report the arrest or conviction to your licensing board. Failure to do so could result in disciplinary action.
- Some employers run periodic background checks. A DWI conviction could raise red flags for security clearance, insurance industry jobs, or positions involving vulnerable populations.

- Even if your job isn't directly impacted, the stress of navigating time off for court, fines, and probation can weigh heavily on your work performance.

Pro Tip: Talk to a lawyer before talking to your employer or licensing board. The timing—and wording—of what you share matters.

Professions particularly at risk include: commercial drivers (CDL holders), healthcare professionals, teachers and educators, real estate agents, financial advisors, attorneys, pilots and aviation workers, government employees with security clearances, and anyone working with children or vulnerable populations.

2.6 Future Consequences: Housing, Travel, and Background Checks

Background Checks

A DWI stays on your criminal record unless you qualify for non-disclosure (record sealing) or expungement—and in many first-time cases, you may not qualify.

That means it can appear in:

- Employment background checks
- Apartment rental applications
- College or graduate school admissions

Public record reality: Unless your case is dismissed and expunged or sealed (non-disclosed), your DWI arrest and outcome will be visible to employers, landlords, and others who run background checks. Your attorney can advise whether record sealing is possible in your case.

International Travel

Some countries—especially Canada—may deny entry to people with a DWI conviction. Others may allow entry but require extra paperwork, visas, or waivers.

If you have plans to travel internationally, this is a serious issue to bring up with your attorney.

2.7 The Personal Side: Stress, Shame, and Social Fallout

Most DWI guides focus on legal penalties—but let's talk about the human side.

Being arrested and charged with DWI can trigger intense feelings of:

- Shame
- Embarrassment
- Guilt
- Fear
- Anger (at yourself, the police, or the situation)

You may feel judged by friends, family, coworkers—even if they never say a word. You may isolate yourself, keep the charges a secret, or replay the night over and over in your mind.

You're not alone.

Many people charged with a first-time DWI are otherwise responsible, law-abiding adults who made a mistake—or are caught up in circumstances they didn't expect. A bad judgment call. One extra drink. A friend who was supposed to drive but didn't.

This charge does not define you. It does not erase the good you've done in your life. But ignoring it, hiding from it, or hoping it will go away on its own will only make things worse.

Takeaway:

A DWI charge in Texas is serious—but it's not the end of your story. The consequences can be severe, but with the right legal help, many outcomes can be mitigated, reduced, or even dismissed.

Frequently Asked Questions

Q: Will I definitely go to jail for a first DWI?

A: Not necessarily. Many first-time DWI offenders avoid jail time if they have no prior criminal history, didn't cause an accident, and work with a skilled attorney. Probation, community service, and deferred adjudication are possible alternatives.

Q: How long will a DWI stay on my record?

A: A DWI conviction can stay on your criminal record for life. In Texas, it's not automatically removed. Some first-time offenders may qualify for non-disclosure (record sealing) after completing probation, but it depends on the case details.

Q: What is SR-22, and do I need it?

A: SR-22 isn't insurance—it's a certificate your insurer files with the state to prove you carry the minimum liability coverage required by law. It's usually required for 2 years after a DWI and will likely increase your insurance premiums significantly.

Q: What if I need to drive to work or school?

A: If your license is suspended, you can apply for an Occupational Driver's License (ODL). This allows you to drive

for essential purposes only—work, school, medical appointments, etc.—during specific hours approved by the court.

Q: Can I still travel outside the U.S. with a DWI?

A: Maybe. Some countries, like Canada, may deny entry to travelers with a DWI—even for tourism. Others may allow entry but require advance permission or additional documentation. Always check entry requirements before booking international travel.

Q: Can I be fired for a DWI?

A: Yes. Texas is an “at-will” employment state, meaning you can be fired for almost any reason—including a criminal charge. However, not all employers will terminate you. Much depends on your job duties, company policy, and whether you have a professional license.

Q: Will this affect my professional license?

A: It could. Many professions (healthcare, legal, financial, education, etc.) require you to report criminal charges or convictions to your licensing board. Failure to report can result in suspension or revocation of your license. Talk to an attorney before making any reports.

Q: How much will this cost me overall?

A: A typical first-time DWI in Texas can cost \$7,000 to \$15,000+, including:

- Attorney's fees
- Court fines
- License reinstatement

Charged with a Texas DWI for the First Time?

- SR-22 insurance
- Ignition interlock (if required)
- DWI education classes
- Time off work or lost wages

CHAPTER 3

WHAT YOU NEED TO DO RIGHT NOW

- 3.1 The 15-Day Countdown: Protecting Your License
- 3.2 Hire the Right DWI Attorney—Now
- 3.3 Gather and Secure Evidence
- 3.4 Preserve Your Privacy
- 3.5 Understand Your Bond Conditions
- 3.6 Consider a Substance Use Assessment (Even If You Don't Think You Need One)
- 3.7 Take a Breath—And Start Taking Notes

The first few days after your arrest are critical. Here's how to take control, protect your license, and set your defense in motion.

You've Been Arrested. Now What?

If you've recently been charged with DWI, it's normal to feel frozen in place. Maybe you're unsure whether to call a lawyer. Maybe you're hoping it will just go away. Maybe you're waiting to see what happens next.

The steps you take or don't take right now can affect your driving privileges, your criminal record, and your future.

This chapter walks you through what to do immediately to limit the damage, protect your rights, and give yourself the best shot at a favorable outcome.

3.1 The 15-Day Countdown: Protecting Your License

Most people don't realize this, but a DWI arrest can trigger an automatic driver's license suspension—and it starts ticking down right away.

This happens through a civil process called the Administrative License Revocation (ALR) program. It's handled by the Texas Department of Public Safety—not the criminal court.

If you either:

- Refused to take a breath or blood test, or
- Took the test and failed (BAC 0.08 or above),

...you have just 15 days from the date of your arrest to request an ALR hearing. If you don't, your license will be automatically suspended—no trial, no judge, no appeal.

Critical deadline: From the day you were arrested, you have 15 calendar days to request a hearing to fight your license suspension. Miss the deadline = automatic suspension. Your license will be suspended for 90 to 180 days—even before you step into a courtroom.

Action Steps:

- Check your Notice of Suspension (usually a pink sheet given to you after arrest).

- Mark your calendar: Count 15 days from the arrest date.
- Contact a DWI attorney immediately—they can file the request on your behalf.
- Keep driving legally until a ruling is made. Your notice serves as a temporary permit.

Important: This hearing is not about guilt or innocence. It's about whether the officer had legal grounds to stop and arrest you—and whether your license should be suspended.

3.2 Hire the Right DWI Attorney—Now

You wouldn't perform your own surgery, and you shouldn't try to navigate a DWI case alone. Texas DWI laws are complex. The prosecution has evidence. You need someone who knows how to challenge it.

Why the Right Lawyer Matters:

- They'll help protect your license at the ALR hearing.
- They may find flaws in the traffic stop, breath test, or arrest procedure.
- They can help negotiate for dismissal, reduction, or deferred adjudication.
- They'll ensure you meet deadlines, avoid bond violations, and prepare for court.

Hiring wisely: You want a lawyer who focuses on DWI defense in Texas. Ideally, someone who knows the local courts and judges in the county where your case is pending. Don't hire the cheapest lawyer. Hire the right one.

What to Look For:

- A focus on DWI or criminal defense—not a “jack of all trades”
- Experience in the county where your case is pending
- A clear explanation of fees and next steps
- Someone who listens, not just lectures

What to Bring to Your Consultation:

- Your bond paperwork
- The pink license suspension form (if applicable)
- Any citations or tickets
- A written summary of what happened (while it’s still fresh)
- A list of questions

Even if you haven’t decided who to hire, meeting with a qualified DWI attorney in the first few days can help you avoid costly mistakes.

3.3 Gather and Secure Evidence

Your lawyer will do the legal heavy lifting—but there’s a lot you can do to help early on.

Start by Preserving the Following:

- Police report: This won’t be available right away, but your attorney will request it. You may have received a partial incident report at booking.
- Dashcam or bodycam footage: Video evidence may exist, but some agencies delete it within 30 to 90 days unless it’s preserved. Your attorney should request this immediately.

Video evidence matters: Many Texas patrol cars and officers have cameras running. This footage can support your version of events—but it's often automatically deleted after 30–90 days. Ask your lawyer to send a preservation letter immediately.

- **Witness info:** Were any friends, passengers, or bystanders present? Write down their contact information.
- **Your version of events:** As soon as possible, write down everything you remember about:
 - The traffic stop
 - What the officer said and did
 - Whether you took or refused a test
 - How you were treated at the jail
 - Anything you think the officer did wrong

These details fade quickly—jot them down now while they're fresh.

Stay organized: Writing things down keeps you organized and helps your attorney. Include a summary of your arrest, every court date and deadline, all fees you've paid, and questions for your attorney. Being proactive shows judges, prosecutors, and your lawyer that you take this seriously.

3.4 Preserve Your Privacy

In today's world, we're used to sharing everything online. But a DWI arrest is not the time to post, joke, or vent on social media.

Here's why:

- Prosecutors, judges, and police can—and do—check your online presence.

- A harmless post can be taken out of context or used to question your character.
- Photos, comments, even private messages may be subpoenaed.

Social media warning: Even “private” posts can be screen-shot, shared, or subpoenaed. Anything you say about your case—online or offline—can be used against you. Stop posting. Assume the judge can see everything.

Tips to Protect Yourself:

- Set all profiles to private (but don’t assume they’re truly private).
- Avoid posting about the arrest, your court case, or alcohol use.
- Don’t tag friends who were with you that night.
- Ask friends not to post about it, either.

Rule of thumb: If you wouldn’t say it in front of a judge, don’t post it online.

3.5 Understand Your Bond Conditions

When you were released from jail, you likely signed something called a bond agreement or conditions of release. These are rules you must follow while your case is pending.

Common Conditions May Include:

- No alcohol or drugs
- No new arrests
- Ignition interlock device (especially if your BAC was 0.15+)

- Random drug or alcohol testing
- Curfew or travel restrictions
- Check-ins with a pretrial services officer

Violating any of these terms could result in:

- Your bond being revoked
- A warrant for your arrest
- Additional criminal charges

Read your bond paperwork carefully. If you're unsure about a condition, ask your lawyer.

3.6 Consider a Substance Use Assessment

Even if you don't think you have a drinking problem, it may be wise to get a professional assessment.

Why?

- Prosecutors and judges often require one, especially if you're hoping for probation or deferred adjudication.
- Voluntarily completing an assessment shows responsibility and initiative.
- If you do need help, early support can make a big difference—and might even improve your case outcome.

Where to Start:

- Ask your attorney for a trusted local provider.
- Look for counselors licensed in substance abuse treatment or mental health.
- Be honest during the evaluation. It's meant to help, not punish.

3.7 Take a Breath—And Start Taking Notes

A DWI case involves multiple court dates, documents, deadlines, and fees. It's easy to lose track, especially when you're under stress.

Start a simple DWI folder or journal with:

- Copies of all paperwork
- A timeline of events (arrest, court dates, license issues)
- Receipts for bond fees, towing, and interlock device
- A record of every conversation with your lawyer or court
- Notes from your ALR hearing or attorney meetings

Being organized not only helps you, but it also helps your attorney build the strongest possible defense.

In Summary: Take Action, Not Chances

Your situation may feel overwhelming—but you're not powerless. The decisions you make in the first 15 to 30 days after your arrest will set the tone for everything that follows.

- Request your ALR hearing
- Hire a qualified DWI attorney
- Gather evidence and document your story
- Stay off social media
- Follow your bond conditions
- Consider voluntary counseling or assessment

You don't have to have all the answers today. But you do need to act.

Frequently Asked Questions

Q: How do I request an ALR hearing?

A: You or your attorney must contact the Texas Department of Public Safety (DPS) within 15 days of your arrest to request a hearing. Your attorney will typically handle this for you. The hearing can be conducted in person or by phone.

Q: Can I still drive while I wait for the hearing?

A: Yes. The pink notice you received at arrest acts as a temporary permit for up to 40 days—or until your ALR hearing decision is made, whichever comes first.

Q: What happens at the ALR hearing?

A: It's an administrative proceeding to determine whether your license should be suspended. It's not about whether you're guilty of DWI. The hearing focuses on whether the officer had probable cause to stop and arrest you, and whether you refused or failed the test.

Q: Do I need a lawyer this early?

A: Yes. Early mistakes—like missing deadlines or making statements to police or the court—can hurt your case. A lawyer can protect your rights from day one and prevent avoidable errors.

Q: What happens if I break my bond conditions?

A: Breaking bond rules (like drinking, skipping court, or tampering with an interlock device) can lead to:

- Arrest and jail time

- Stricter conditions or higher bond
- Losing the chance at probation or dismissal

Always follow your bond rules exactly.

Q: Should I voluntarily do counseling or alcohol classes?

A: In many cases, yes. Taking proactive steps—like completing an alcohol assessment or attending AA meetings—can demonstrate to the court that you take the charges seriously. This can help during plea negotiations or sentencing.

Q: What if I can't afford a lawyer?

A: If you truly can't afford legal representation, you can request a court-appointed attorney—but you must meet certain financial criteria. Many DWI attorneys offer payment plans or flat fees. Don't assume you can't afford help until you've had at least one consultation.

CHAPTER 4

WHAT NOT TO DO AFTER A DWI ARREST

- 4.1 Talking to the Police Without Counsel
- 4.2 Posting About It on Social Media
- 4.3 Driving on a Suspended License
- 4.4 Ignoring Court Dates or Fines
- 4.5 Assuming “It’s No Big Deal”
- 4.6 Using Alcohol as a Coping Mechanism

After a DWI arrest, many people panic. Others try to downplay the situation or act like nothing happened. Some mean well but make emotional decisions that end up hurting their case.

The truth is, what you don’t do after a DWI can be just as important as what you do. This chapter covers the most common mistakes people make after being charged—and how to steer clear of them.

4.1 Talking to the Police Without Counsel

After your arrest, the police may seem friendly. They might say they just want to “clear things up” or “hear your side.” But understand this: anything you say can and will be used against you.

You are under no obligation to talk to the police once you’ve been arrested or even questioned—especially without a lawyer present.

Critical reminder: You’re not required to explain anything to the police after an arrest. Anything you say—even if you’re trying to help yourself—can be twisted and used against you in court.

Why Talking Can Hurt You:

- You may accidentally admit to facts that support the charge—even if you think you’re explaining.
- You might contradict something you said earlier, which can damage your credibility in court.
- Police are trained in interrogation techniques that can make you feel like cooperating is required.

What You Should Do Instead:

- Politely state: “I’d be happy to cooperate, but I want to speak to a lawyer first.”
- Then stop talking. Don’t try to explain. Don’t try to justify. Just wait for your attorney.

4.2 Posting About It on Social Media

It’s tempting to post about your arrest—whether to defend yourself, crack a joke, or vent your frustration. But in today’s legal world, prosecutors comb through social media for evidence.

One post, photo, or meme can hurt your credibility or even be used in court.

Even “Private” Isn’t Private

- Friends can screenshot and share your posts.
- Law enforcement can subpoena your social media accounts.
- Deleted content doesn’t always stay deleted.

Evidence warning: Posting about your case on social media can backfire—big time. Prosecutors, judges, and even jurors may eventually see your content. If it’s online, it’s potentially evidence.

Posts That Can Backfire:

- Photos from the night of your arrest (especially involving alcohol)
- Rants about the police or judge
- “Jokes” about drinking and driving
- Bragging about beating the charge

Rule of thumb: If you wouldn’t say it in court, don’t post it online.

4.3 Driving on a Suspended License

If your license was suspended (or you’re not sure if it was), do not drive until you’re legally cleared. It may seem like a small risk—but driving on a suspended license is a new criminal offense, separate from your DWI.

New offense alert: If your license is suspended after your DWI arrest and you drive anyway, you’re not just breaking a rule—you’re committing a new offense. That can mean jail, bigger fines, and a judge who won’t cut you any breaks.

If You're Caught:

- You may face jail time, additional fines, or an extended suspension.
- Your DWI judge may see it as a sign that you don't take the law seriously.
- It may disqualify you from certain plea deals or probation options.

What to Do Instead:

- Talk to your attorney about getting an Occupational Driver's License (ODL).
- Use rideshare services, friends, or family in the meantime.
- Don't assume your license is valid—check your status with DPS.

4.4 Ignoring Court Dates or Fines

Missing a court date or ignoring fees might seem minor, but it can snowball quickly.

Warrant warning: Fail to show up for a scheduled court appearance—even by accident—and a bench warrant may be issued. That means an officer can arrest you at home or work. Always confirm your court dates. Always show up early.

What Happens If You Miss Court:

- A bench warrant may be issued for your arrest.
- You could forfeit your bond.
- The judge may be less lenient moving forward.

What If You Can't Afford Your Fine?

- Never ignore it. Your attorney may be able to request a payment plan, a reduction, or community service instead.
- Some courts allow alternative sentencing for financial hardship.
- Communicate early and honestly—judges prefer effort over excuses.

Set phone reminders. Keep all court paperwork. Arrive early. Dress respectfully. These simple steps show the court that you're taking the charge seriously.

4.5 Assuming "It's No Big Deal"

It's true—many first-time DWI defendants don't go to jail. But assuming your case is "minor" can lead to bigger consequences.

Future impact: Even if you avoid jail, a DWI conviction can hurt job prospects, impact professional licenses, and complicate travel. It's not just about fines—it's about your future.

Here's What Can Still Happen:

- A criminal conviction on your record
- A license suspension
- SR-22 insurance and rising premiums
- Problems with employment, immigration, or travel
- Permanent digital record of your arrest

Even First Offenses Matter

Texas treats DWI seriously—even if it's your first arrest. What you do next can make the difference between a manageable outcome and a long-term problem.

4.6 Using Alcohol as a Coping Mechanism

A DWI arrest is stressful and emotionally draining. Some people try to numb the shame, fear, or embarrassment with more alcohol. But this only makes things worse—legally, physically, and emotionally.

Court perception: If alcohol played a role in your arrest, drinking again—even casually—can affect how the court views your behavior. Consider counseling, support groups, or a personal evaluation to show you’re taking the situation seriously.

Why It’s Risky:

- If your bond conditions prohibit drinking, you could be re-arrested.
- You may be required to submit to random alcohol testing.
- Getting caught with alcohol in your system—even if you’re not driving—can be seen as violating the court’s trust.

Healthier Alternatives:

- Speak to a therapist or counselor.
- Join a local or online support group (like AA).
- Focus on what you can control: your health, mindset, and case preparation.

Showing the court that you’re addressing your behavior—especially if alcohol contributed to your arrest—can positively impact sentencing, probation, and even whether charges are reduced or dismissed.

Final Thoughts: Think Long-Term

You can't change the fact that you were arrested—but you can control what happens next. Avoiding these common post-arrest mistakes helps protect:

- Your license
- Your record
- Your freedom
- Your reputation

You only get one chance to be a first-time offender. Make sure that this chapter in your life doesn't turn into a lifelong problem.

Frequently Asked Questions

Q: What if I already spoke to the police—can that be used against me?

A: Possibly. If you made statements before asking for a lawyer, those may be admissible in court. But your attorney may be able to challenge them—especially if your rights weren't properly explained.

Q: Can I delete my social media posts now?

A: Don't delete anything after your arrest. Deleting posts can look like you're trying to hide evidence, and in some cases, it could be considered tampering. Instead: lock down your privacy settings and stop posting altogether. Let your lawyer guide you.

Q: What if I didn't realize my license was suspended and I drove anyway?

A: Unfortunately, ignorance of the suspension is not a defense. It's your responsibility to check your license status with the Texas DPS. If you're unsure, don't drive. Ask your lawyer about applying for an Occupational Driver's License.

Q: What happens if I miss a court date by accident?

A: A bench warrant may be issued for your arrest. This can lead to jail time and additional charges. Contact your attorney or the court immediately to explain the situation and request a reset, if possible.

Q: Isn't a first-time DWI "no big deal" if I didn't hurt anyone?

A: It's a very big deal. Even without injuries or prior convictions, a DWI can lead to:

- A permanent criminal record
- License suspension
- Increased insurance rates
- Employment issues
- Travel restrictions

Taking it seriously now can help reduce the long-term damage.

Q: If I'm struggling emotionally, should I talk to the court about it?

A: It's okay to struggle—many people do after a DWI arrest. But don't discuss personal issues with the judge without your attorney's guidance. Instead, ask your lawyer if counseling, support groups, or an evaluation could be helpful in your case.

CHAPTER 5

THE LEGAL PROCESS: STEP BY STEP

- 5.1 Two Paths: Administrative vs. Criminal Case
- 5.2 Arraignment: Your First Court Appearance
- 5.3 Pre-Trial Hearings and Motions
- 5.4 Plea Bargaining: Negotiating the Outcome
- 5.5 Trial: What Happens If You Go to Court
- 5.6 Sentencing: If You're Found Guilty or Take a Plea
- 5.7 What Judges Look For in First-Time DWI Offenders
- 5.8 When (and Why) Cases Get Dismissed
- 5.9 Diversion Programs and Deferred Adjudication

If you've never been charged with a crime before, facing a DWI can feel like stepping into a foreign world. Courtrooms, lawyers, judges, plea deals, and hearings—it's all new, and it can be intimidating.

This chapter walks you through each major stage of a Texas DWI case so you can understand what's coming and how to be prepared.

5.1 Two Tracks: Administrative vs. Criminal Case

After a Texas DWI arrest, you're actually facing two separate cases:

1. Administrative License Revocation (ALR) Hearing

This is handled by the Texas Department of Public Safety (DPS) and only affects your driver's license.

It's about whether:

- You refused a breath or blood test, or
- You failed the test (BAC $\geq$ 0.08)

The ALR hearing decides if your license should be suspended—and for how long. You must request this hearing within 15 days of arrest, or your license will automatically be suspended.

Critical distinction: After a Texas DWI, you face both an administrative case (license suspension) and a criminal case (DWI charge). Don't ignore the license part. You may request an ALR hearing deadline up to 20 days after the date of the Notice of Suspension or Revocation.

2. Criminal DWI Case

This is handled in criminal court. It determines whether you're found guilty or not guilty of the DWI offense—and what the penalties will be if you're convicted.

These cases run separately, but what happens in one can affect the other. For example, if your license is suspended by DPS, it doesn't mean you're automatically guilty in criminal court—but it does mean you'll need to deal with driving restrictions while your case plays out.

5.2 Arraignment: Your First Court Appearance

The arraignment is your first official court date. It's where you're formally told what you've been charged with and asked to enter a plea.

What Happens at Arraignment:

- The judge reads your charges.
- You (or your attorney) enter a plea—usually “Not Guilty” at this stage.
- Your bond conditions may be reviewed or modified.
- Future court dates are set.

Tip: If you have an attorney, you usually won't have to speak or explain anything yourself.

Even if the case seems straightforward, pleading “Not Guilty” early on gives your lawyer time to review the evidence, negotiate with the prosecutor, or look for ways to get the charge reduced or dismissed.

5.3 Pre-Trial Hearings and Motions

These hearings take place before trial and allow both sides—your lawyer and the prosecutor—to prepare the case. This phase is critical, because it's where many cases are won or resolved.

Strategic importance: Most cases are resolved before trial, during the pre-trial phase. This is where your attorney can challenge the stop, suppress bad evidence, and push for dismissal or reduction. Showing up, being prepared, and having a skilled lawyer makes a real difference here.

During Pre-Trial:

- Your lawyer receives the evidence against you (called “discovery”)
- They may file motions to suppress evidence, especially if:
 - The stop was illegal
 - The breath/blood test was flawed
 - Your rights were violated
- The prosecutor may make a plea offer
- The judge may hear arguments or rule on motions

This is often where cases are won, lost, or resolved—without ever going to trial.

5.4 Plea Bargaining: Negotiating the Outcome

Most DWI cases in Texas don’t go to trial. Instead, your attorney may negotiate a plea agreement with the prosecutor.

What’s a Plea Deal?

It’s an agreement where you plead guilty (or no contest) to a reduced charge or accept a lesser sentence in exchange for avoiding trial.

Negotiation reality: Most DWI cases don’t go to trial. Many are resolved through negotiation. But that doesn’t mean you should accept the first offer. Your lawyer needs to evaluate the state’s evidence and negotiate for the best terms possible.

For First-Time Offenders, Plea Options May Include:

- Probation instead of jail
- A reduction to a less serious charge (in limited cases)

- Deferred adjudication (if available in your county)
- Avoiding some fines or license suspensions

Should You Take a Plea?

That depends. Sometimes a plea is in your best interest. Other times, the evidence is weak, and a dismissal or better outcome is possible at trial. Your attorney will help you weigh the options.

5.5 Trial: What Happens If You Go to Court

If no agreement is reached—or you choose to fight the charge—you’ll proceed to trial. You have the right to:

- A jury trial (where six citizens decide your guilt), or
- A bench trial (where the judge decides)

At Trial:

- The prosecutor presents evidence and calls witnesses (like the arresting officer)
- Your lawyer cross-examines the state’s witnesses
- You may choose to testify—but you don’t have to
- Your lawyer may call expert witnesses or present video or medical evidence
- The judge or jury issues a verdict: guilty or not guilty

Trials are rare in first-time DWI cases but do happen—especially when evidence is questionable or there’s a legal issue worth fighting.

5.6 Sentencing: If You're Found Guilty or Accept a Plea

If you're convicted—or accept a plea—you'll move on to sentencing.

Common Sentences for a First-Time DWI:

- Jail time: 72 hours up to 180 days (often waived in favor of probation)
- Probation: 12–24 months, with conditions like:
 - Reporting to a probation officer
 - Community service
 - DWI education classes
 - Random drug/alcohol testing
- Ignition Interlock: Required if BAC was ≥ 0.15
- License suspension: Usually 90 days to 1 year
- Fines and court costs: Up to \$2,000, plus surcharges

Probation requirements: Getting probation instead of jail can be a relief—but it still comes with monthly reporting, fines and fees, counseling or alcohol classes, and strict rules you must follow. Violating probation can land you back in court—or jail.

If you qualify for deferred adjudication, the charge may not show as a conviction on your record—but it still has consequences if you violate its terms.

5.7 What Judges Look For in First-Time DWI Offenders

While judges follow sentencing laws, they also consider your behavior. For a first-time offender, the court will weigh factors like:

- Your attitude in court
- Whether you violated bond conditions
- Whether you sought help (e.g., counseling, AA, rehab)
- How you responded after the arrest

Court perception matters: First-time offender? That helps—but only if you take the process seriously. Judges look at how you act in court, whether you follow bond rules, and if you're proactive with counseling or classes. Respect + responsibility = better outcomes.

Showing respect, responsibility, and willingness to learn from the situation can positively influence your outcome.

5.8 When (and Why) Cases Get Dismissed

DWI cases get dismissed more often than you might think—when the defense is strong and the facts are weak.

Common Reasons for Dismissal:

- Unlawful stop by the officer
- Lack of reasonable suspicion or probable cause
- Errors in field sobriety tests
- Faulty breath or blood testing procedures
- Lost or missing video/audio evidence
- Officer credibility issues

Dismissal strategy: Cases may be dismissed for illegal stops, faulty tests, or missing evidence. But those defenses don't surface automatically. You need a diligent attorney who files the right motions and fights strategically.

Your lawyer will carefully review all evidence to determine whether dismissal is a possibility—and file the right motions to make it happen.

5.9 Diversion Programs and Deferred Adjudication

Some Texas counties offer special programs for first-time DWI offenders, which can keep a conviction off your record.

Diversion Programs:

- May involve treatment, classes, community service, and monitoring
- Upon successful completion, the charge may be dismissed
- Not available in every county

Deferred Adjudication:

- You plead no contest or guilty, but the court doesn't enter a conviction
- You must complete probation successfully
- The charge may be sealed from public view later
- Still counts as a DWI for enhancement purposes in future arrests

Your eligibility depends on:

- Your BAC level
- Whether there was an accident
- Whether you have any criminal history
- Local court policies

Ask your attorney whether these options are available in your county and whether they make sense for your case.

In Summary: Understanding the Road Ahead

The legal process after a DWI can be long and complex—but you don't have to walk it blindly.

By knowing what to expect and working closely with an experienced attorney, you can:

- Protect your rights
- Avoid common mistakes
- Navigate hearings, motions, and negotiations strategically
- Position yourself for the best possible outcome

Frequently Asked Questions

Q: What's the difference between the ALR hearing and my court case?

A: The ALR hearing is an administrative process with DPS to decide if your license will be suspended. The criminal case is a separate court proceeding to decide guilt or innocence on the DWI charge. Two different systems. Two different outcomes. Both are important.

Q: What happens if I plead “not guilty” at arraignment?

A: That's completely normal. It doesn't mean you're lying or denying everything—it just gives your attorney time to review the evidence and negotiate. Most people plead “not guilty” initially.

Q: Do I have to testify at trial?

A: No. You have the right to remain silent, even during trial. Your attorney will help decide whether testifying helps or hurts your case.

Q: Can my DWI be dismissed?

A: Possibly. Your case may be dismissed if the stop was unlawful, the test was flawed, or there's not enough evidence. But dismissals don't happen automatically—your attorney must identify those defenses and fight for them.

Q: What is deferred adjudication?

A: It's a type of probation where you plead "guilty" or "no contest," but no conviction is entered if you complete the probation successfully. It can help keep your record cleaner. Not all counties offer it for DWI—your lawyer will know if it's an option.

Q: What if I want to fight the charge at trial?

A: That's your right. Your attorney will review the strength of the evidence and explain your chances. Trials are more time-consuming and expensive, but they're sometimes the best option—especially if the case against you is weak.

CHAPTER 6

WORKING WITH A DWI DEFENSE ATTORNEY

- 6.1 Why Representation Matters
- 6.2 How DWI Lawyers Build a Defense
- 6.3 Questions to Ask Before Hiring an Attorney
- 6.4 What to Bring to Your First Meeting
- 6.5 What a Good Lawyer Can Do (and What They Can't)
- 6.6 Cost and Payment Options

Choosing the right lawyer ... and knowing how to work with them ... can make all the difference.

After a DWI arrest, one of the most important decisions you'll make is who you choose to represent you. Your attorney will guide you through a complex legal process, help you avoid costly mistakes, and fight for the best possible outcome.

In this chapter, we'll cover why having a lawyer matters, what they actually do behind the scenes, how to choose the right one, and how to work with them to build a strong defense.

6.1 Why Representation Matters

DWI cases in Texas are high-stakes and highly technical. Even for first-time offenders, a conviction can lead to:

- A criminal record
- Jail or probation
- License suspension
- Ignition interlock devices
- Thousands of dollars in costs
- Higher insurance premiums
- Job, housing, and travel restrictions

Specialization matters: DWI defense involves science, legal procedure, and courtroom strategy. Hire a lawyer who focuses on DWI—not someone who “does a little bit of everything.”

Can You Represent Yourself?

Legally, yes. Practically, no. DWI laws are complex, and the system is not designed to be “user-friendly.” Without an attorney, you may:

- Miss important deadlines (like the ALR hearing)
- Fail to spot weaknesses in the case
- Accept a plea that’s worse than what could’ve been negotiated
- Get blindsided by legal terms, procedures, or bond violations

Hiring an experienced DWI attorney gives you a fighting chance to protect your license, your record, and your future.

Cost perspective: The total cost of a DWI (fines, insurance, lost work, etc.) can exceed \$10,000. The right attorney may save you far more than they cost by reducing or avoiding penalties.

6.2 How DWI Lawyers Build a Defense

Your attorney isn't just there to show up to court. A good DWI lawyer works methodically to poke holes in the prosecution's case and build leverage for a dismissal, reduction, or alternative resolution.

Behind the Scenes, They May:

- Request and review all evidence: Including dashcam, bodycam, police reports, breathalyzer maintenance logs, and lab results.
- Analyze whether the stop was legal: If the officer didn't have a valid reason to pull you over, everything that followed may be inadmissible.
- Challenge the field sobriety tests: These must be administered precisely—and many officers don't follow protocol.
- Investigate the breath or blood test: Machines must be calibrated, and samples must be properly handled.
- Negotiate with prosecutors: Based on weaknesses in the case or your strong record.
- Argue for suppression or dismissal: If your rights were violated.

You won't always see this work—it happens in motions, research, and meetings—but it's crucial to your outcome.

6.3 Questions to Ask Before Hiring an Attorney

You don't need to know the law to choose the right lawyer. You just need to ask the right questions and listen to how they answer.

Ask:

- How much of your practice is focused on DWI defense? You want someone who handles these cases regularly—not just as a sideline.
- Have you handled DWI cases in this county? Local experience matters. Every court and judge has its own way of doing things.
- What are some possible outcomes in a case like mine? Beware of guarantees—no ethical attorney can promise a result.
- How will we communicate? Will you talk directly to the attorney, or mostly to staff? How quickly can you expect responses?
- What are your fees, and what’s included? Understand whether trial is included, how billing works, and whether there’s a written agreement.

Trust your instincts. You don’t need a slick salesperson—you need a calm, confident advocate who listens and informs.

6.4 What to Bring to Your First Meeting

Your consultation is your chance to tell your story and evaluate whether the lawyer is a good fit. The more information you bring, the more helpful it will be.

Timing is critical: The sooner you hire an attorney, the sooner they can request your ALR hearing (within 15 days), preserve dashcam or bodycam footage, and begin negotiating with the prosecutor. Waiting too long can limit your options.

Bring:

- Any paperwork from the arrest (citations, bond forms, license suspension notices)
- A written summary of what happened during the stop, arrest, and booking
- Questions or concerns you want to discuss
- List of witnesses, if anyone was with you
- Calendar of availability for court dates or meetings

Don't worry if you don't remember every detail. The attorney will guide you through what matters most.

Communication strategy: You may feel tempted to explain your side to a judge or prosecutor. Let your lawyer speak for you. They know what helps—and what hurts.

6.5 What a Good Lawyer Can Do (and What They Can't)

What They Can Do:

- Explain the process and legal options in plain language
- Investigate and challenge the evidence
- Negotiate with prosecutors
- Represent you at court hearings and the ALR hearing
- Advocate for dismissal, reduction, or diversion
- Help you understand and comply with bond and court rules

What They Can't Do:

- Make your case disappear overnight
- Guarantee a dismissal or outcome
- Defend you without your cooperation

- Erase a conviction (unless legally eligible for sealing or expungement)
- Work for free—unless appointed by the court

Plea distinctions: Some pleas lead to a conviction. Others—like deferred adjudication—may avoid a conviction and allow record sealing later. A good attorney will explain the differences and guide you toward the best option for your future.

A strong attorney-client relationship requires honesty, trust, and teamwork.

6.6 Cost and Payment Options

The cost of DWI defense varies depending on:

- The complexity of your case
- Whether it involves accident, high BAC, or test refusal
- Whether the case goes to trial
- The attorney's experience and reputation

What's Typically Included:

- Court appearances
- Evidence review and strategy
- Negotiations with the prosecutor
- Filing motions
- ALR hearing (sometimes billed separately)

Payment Options:

- Flat fee (common in DWI cases)
- Retainer + hourly billing (less common)
- Payment plans (offered by many defense attorneys)

Public Defenders:

If you truly cannot afford a private attorney, you may qualify for a court-appointed lawyer. Keep in mind:

- You must meet financial eligibility guidelines
- Appointed attorneys may be experienced, but often have heavy caseloads
- You won't get to choose who represents you

If at all possible, hiring your own attorney gives you more control—and potentially better access, responsiveness, and strategy.

In Summary: Choose a Partner, Not Just a Professional

A DWI charge is a legal matter, but it's also personal. The right attorney can protect your rights, reduce your anxiety, and improve your chances of moving forward with your life.

Take your time, ask good questions, and find someone who:

- Knows the law
- Knows the local courts
- Respects your time and your story
- Will fight for the best result—without false promises

Frequently Asked Questions

Q: Do I really need a lawyer for a first-time DWI?

A: Absolutely. Even a first offense carries serious consequences: license suspension, fines, a criminal record, and more. A lawyer protects your rights, negotiates on your behalf, and may find defenses you wouldn't know to look for.

Q: What kind of lawyer should I hire?

A: Choose an attorney who focuses on criminal defense or DWI law and who has handled cases in the county where you were arrested. Local experience and relationships with prosecutors and judges can make a difference.

Q: How much will a DWI lawyer cost me?

A: Costs vary, but for a first-time DWI in Texas depending on the complexity of your case and whether it goes to trial. Most lawyers offer flat fees or payment plans.

Q: Can I get a court-appointed lawyer?

A: If you can't afford to hire one, you can request a court-appointed attorney, but you must qualify financially. These attorneys can be capable but often have limited time and resources due to large caseloads.

Q: What's the difference between a good and a great DWI attorney?

A: A good lawyer will show up and follow procedure. A great lawyer will:

- Investigate the details
- Challenge the evidence
- Look for weaknesses in the case
- Negotiate aggressively
- Keep you informed every step of the way

Q: Will my lawyer guarantee a dismissal or not-guilty verdict?

A: No ethical lawyer can guarantee results. But a skilled DWI attorney can significantly increase your chances of a better outcome by fighting hard and using every available legal tool.

CHAPTER 7

DEFENDING YOUR LICENSE: THE ALR HEARING

- 7.1 What Is the ALR (Administrative License Revocation) Process?
- 7.2 Why It's Separate from Your Criminal Case
- 7.3 What Happens at the ALR Hearing
- 7.4 How to Win, or Minimize the Damage
- 7.5 Occupational Driver's Licenses

After a DWI arrest in Texas, many people are surprised to learn that their license can be suspended before they're ever convicted of a crime.

That's because Texas has a separate process called the Administrative License Revocation program — ALR for short.

This chapter explains how the ALR process works, what to expect at the hearing, and how you may be able to keep your license.

7.1 What Is the ALR (Administrative License Revocation) Process?

The ALR hearing is not part of your criminal case. It's a civil administrative process run by the Texas Department of Public Safety (DPS) to determine if your license should be suspended.

You Face an ALR Suspension If You:

- Refused to take a breath or blood test
- Took the test and your BAC was 0.08 or higher

In either situation, DPS can try to suspend your license—even if you haven't been convicted in court.

Critical deadline: You may request an ALR hearing deadline up to 15 days after the date of the Notice of Suspension or Revocation. Miss that deadline, and your license will be suspended automatically—even if you win your criminal case later.

How Long Is the Suspension?

For a first-time DWI, your license may be suspended for:

- 90 days if you failed the breath or blood test
- 180 days if you refused the test
- Up to 2 years for repeat or aggravated cases

Test refusal consequences: Refusing a breath or blood test triggers a 180-day license suspension for first-time offenders—compared to 90 days for failing it. It might help your criminal case, but hurts you at the ALR hearing.

Important: The officer likely gave you a Notice of Suspension at the time of your arrest. This is your temporary driving permit—and it tells you how to request your hearing.

7.2 Why It's Separate from Your Criminal Case

Think of your DWI as a two-lane road:

- One lane is your criminal case — handled in court
- The other is your administrative case — handled by DPS

These cases run separately but simultaneously, and they have different rules, judges, and outcomes.

Two different systems: Your ALR hearing is not part of your DWI trial. It's a civil process handled by DPS and the State Office of Administrative Hearings. Winning in one does not guarantee winning in the other—but both matter.

Key Differences:

- Even if your criminal case is dismissed, you can still lose your license through the ALR process.
- On the flip side, a win at the ALR hearing won't make your criminal charge disappear—but it can give your defense team helpful testimony and evidence.

7.3 What Happens at the ALR Hearing

To fight your license suspension, you must request an ALR hearing within 15 days of your arrest. If you miss that deadline, the suspension happens automatically—no hearing, no appeal.

Once You Request the Hearing:

- DPS will schedule a hearing in your county or via Zoom
- You (or your attorney) will receive notice of the date and time

- The arresting officer may be subpoenaed to testify
- A DPS attorney will argue for your license to be suspended
- Your attorney can cross-examine the officer and challenge the evidence
- A judge from the State Office of Administrative Hearings (SOAH) will make the decision

Strategic advantage: If the arresting officer testifies at your ALR hearing, your attorney can cross-examine them under oath—which can expose inconsistencies or procedural errors. That testimony may later help in plea negotiations or trial strategy.

DPS Must Prove:

- The officer had reasonable suspicion to stop you
- There was probable cause to arrest you
- You refused or failed the test properly

If they can't prove these three things, you may win and keep your license.

7.4 How to Win, or Minimize the Damage

Winning an ALR hearing isn't easy—but it's possible, especially with an experienced attorney who knows how to challenge the officer's actions and the state's evidence.

Common Ways People Win:

- The officer doesn't show up

- The officer can't justify the stop
- There are errors in paperwork or procedure
- The breath/blood test was mishandled or improperly explained
- The officer contradicts themselves during testimony

If You Win:

- Your license is not suspended
- You avoid the need for an Occupational Driver's License (ODL)
- The testimony and evidence can help your criminal case

If You Lose:

- Your license is suspended—but not immediately
- The suspension usually begins 40 days after your arrest if a hearing is not timely requested. If it is timely requested, there is no suspension until the hearing officer makes the decision.
- You may still be able to drive legally with an Occupational License

Strategic value even in defeat: Even if you don't win your hearing, showing up gives your attorney a chance to gather evidence, test the officer's memory, and build leverage for your criminal case. Think of it as scouting the prosecution before your criminal trial.

Either way, having your attorney handle the hearing gives you the best chance to minimize damage and gather valuable information for your criminal defense.

7.5 Occupational Driver's Licenses

If your license does get suspended—either through the ALR process or a criminal court—you may be eligible for an Occupational Driver's License (ODL).

This is a restricted license that allows you to drive for essential needs, including:

- Work or school
- Medical appointments
- Grocery shopping
- Childcare or court-related travel

ODL availability: If your license is suspended, you may qualify for an Occupational Driver's License (ODL)—which allows limited driving for work, school, and essential tasks. It's not automatic. Your attorney must help you request it in court.

To Get an ODL, You'll Need:

- A court petition (filed by your attorney)
- A signed court order
- SR-22 insurance
- Reinstatement and filing fees
- Possible installation of an ignition interlock device

Once approved, your ODL comes with strict limitations, such as:

- Specific hours of the day when you can drive
- A limit on the number of driving hours per day or week
- Routes or purposes approved by the court

Driving outside of these boundaries is a violation—and can result in arrest, bond revocation, or new charges.

In Summary: The ALR Hearing Is Your First Battle

You don't have to be convicted of DWI to lose your license—but you do have a right to fight the suspension.

An ALR hearing is your first chance to:

- Challenge the legality of your arrest
- Keep your driving privileges
- Strengthen your defense for the criminal case ahead

Missing this opportunity—or treating it lightly—can cost you months without a license.

The key is acting quickly, showing up prepared, and letting your attorney guide the strategy.

Frequently Asked Questions

Q: What is the ALR hearing exactly?

A: The ALR (Administrative License Revocation) hearing is a civil proceeding where the state decides whether to suspend your driver's license. It's separate from your criminal DWI case and focuses only on your driving privileges.

Q: How do I request the hearing?

A: Your attorney can request the ALR hearing for you, or you can request it yourself by contacting the Texas Department of Public Safety within 15 days of your arrest. It's best to have your attorney handle this.

Q: What happens if I don't request an ALR hearing?

A: Your license will be suspended automatically—typically 40 days after your arrest. You'll also lose the

chance to challenge the evidence or cross-examine the arresting officer.

Q: Will the judge decide if I'm guilty of DWI at the ALR hearing?

A: No. The ALR judge only decides whether your license should be suspended. It's not a criminal proceeding and does not determine your guilt or innocence on the DWI charge.

Q: What are my chances of winning the ALR hearing?

A: It depends on the facts. If the arresting officer doesn't show up, or if the stop or test was legally flawed, you may win. A skilled attorney can significantly improve your chances by challenging the evidence.

Q: If I lose the hearing, how long will my license be suspended?

A: For most first-time DWI arrests:

- 90 days if you failed the test
- 180 days if you refused the test

Longer suspensions apply to repeat offenses or enhanced charges.

Q: Can I still drive if my license is suspended?

A: Possibly. You may qualify for an Occupational Driver's License (ODL), which allows limited driving for work, school, medical appointments, and other essential activities. Your attorney can help you apply.

CHAPTER 8

BUILDING YOUR DEFENSE: STRATEGIES THAT WORK

- 8.1 Challenging the Traffic Stop or Arrest
- 8.2 Questioning the Breath or Blood Test
- 8.3 Field Sobriety Tests: Unreliable and Defensible
- 8.4 Medical Conditions and Other Factors
- 8.5 Video Evidence (or Lack of It)
- 8.6 The Role of Expert Witnesses

Just because you were arrested for DWI doesn't mean you'll be convicted. In fact, many DWI charges ... especially first offenses ... can be reduced, dismissed, or successfully defended in court.

But those outcomes don't happen by chance. They happen because experienced defense attorneys know how to analyze the evidence, identify weaknesses, and use the law to your advantage.

In this chapter, we'll explore some of the most effective strategies used to fight DWI cases in Texas—and explain how the facts of your case might offer more defense than you realize.

8.1 Challenging the Traffic Stop or Arrest

Every DWI case begins with a traffic stop. But not every stop is legal. Police must have a valid reason to pull you over—called reasonable suspicion.

Examples of reasonable suspicion include:

- Swerving or lane drifting
- Speeding or running a red light
- Equipment violations (like a broken taillight)
- Erratic or unsafe driving

If the officer pulled you over without a legitimate reason, your attorney can file a motion to suppress all the evidence that came after the stop—including your breath test, statements, and arrest.

Suppression strategy: If the officer didn't have a valid reason to pull you over, the whole case could fall apart. Your attorney can file a motion to suppress the stop and everything that followed.

Your Attorney May Ask:

- Was the stop based on objective observations—or just a hunch?
- Was there dashcam or bodycam footage of the stop?
- Did the officer claim you were “weaving” with no video proof?
- Did they detain you too long without probable cause?

If the court finds the stop was unlawful, the case may be thrown out entirely.

8.2 Questioning the Breath or Blood Test

Many people assume that if you “failed” a breath or blood test, your case is over. But breathalyzers and blood tests are not always reliable—and they can be successfully challenged.

Test reliability: Breath test machines can malfunction. Operators can make mistakes. Medical conditions can skew results. Breath and blood tests are evidence, not proof beyond doubt.

Breath Tests Can Be Attacked If:

- The machine wasn’t properly calibrated or maintained
- The officer wasn’t certified to operate the device
- You have a medical condition (like acid reflux) that caused a false high reading
- You were exposed to chemicals (like paint fumes or mouthwash)
- The test was taken too long after driving (rising BAC defense)

Timing defense: If you drank shortly before driving, your blood alcohol level may have been below the legal limit while driving but rose later when tested. Timing can make or break the case.

Blood Tests Can Be Challenged If:

- The sample wasn’t properly stored or transported
- The chain of custody is unclear
- The blood was drawn without a proper warrant (if you refused)
- Lab errors or contamination occurred

These challenges often require expert testimony—but they can be the key to creating reasonable doubt.

8.3 Field Sobriety Tests: Unreliable and Defensible

Field Sobriety Tests (FSTs) are a common tool officers use to decide whether to arrest someone for DWI. But they're also highly subjective and flawed.

The three standardized FSTs are:

1. Horizontal Gaze Nystagmus (eye test)
2. Walk-and-Turn
3. One-Leg Stand

Test limitations: Walking a straight line in the dark, on the side of the road, while nervous, isn't a reliable way to test sobriety. Officers often misinterpret or improperly administer these tests.

Even when administered perfectly (which they often aren't), these tests are influenced by:

- Nervousness or anxiety
- Medical conditions or inner ear issues
- Fatigue or poor balance
- Poor instructions or uneven surfaces
- Bad weather or distracting lights

Your attorney will review how the officer conducted the tests and whether they followed standard procedures. If the tests were flawed or the officer exaggerated the results, that part of the case can be challenged or excluded.

8.4 Medical Conditions and Other Factors

There are many legitimate reasons why a person might appear intoxicated but actually be sober—or below the legal limit.

Some common factors include:

- Diabetes or hypoglycemia (can cause slurred speech or confusion)
- Neurological conditions that affect balance or coordination
- Fatigue or dehydration
- Prescription medications that mimic intoxication (legally taken)
- Speech impairments, anxiety, or PTSD

Alternate explanations: Slurred speech, poor balance, or red eyes aren't always signs of intoxication. Conditions like diabetes, vertigo, or fatigue can easily be mistaken for DWI symptoms.

If these issues played a role in your case, your attorney may introduce medical records or expert testimony to show that your behavior had nothing to do with alcohol or drugs.

8.5 Video Evidence (or Lack of It)

In many DWI cases, video can either support or destroy the officer's claims. Most Texas patrol cars and many officers now use:

- Dashcam video (from the patrol car)
- Bodycam video (worn by the officer)
- Jail or booking room footage

What Video Can Reveal:

- Whether you were actually swerving or speeding
- How you performed on the field sobriety tests
- Whether the officer gave proper instructions
- How you spoke, walked, and responded to questions
- If the officer acted professionally—or didn't

Video contradictions: Police reports are written by the officer. But dashcam or bodycam footage may tell a different story. If the video contradicts the officer's claims, it can destroy their credibility in court.

If the video contradicts the police report, it can raise serious doubts about the prosecution's case.

If no video exists, your attorney can ask why. In some cases, the lack of footage may be grounds to challenge the reliability of the officer's version of events.

8.6 The Role of Expert Witnesses

In more complex DWI cases, attorneys often bring in expert witnesses to explain the science, testing, or procedures to the court. These experts are often critical in building reasonable doubt.

Common Types of Experts:

- Toxicologists — Explain how alcohol affects the body and how BAC levels change over time
- Breath test technicians — Challenge the accuracy and reliability of breathalyzer machines
- Medical experts — Explain health issues that may mimic signs of intoxication
- Field sobriety instructors — Point out errors in how tests were administered

Expert testimony can also help educate a jury that may not understand how flawed DWI evidence can be.

Even in cases that don't go to trial, the threat of expert testimony can help during plea negotiations.

In Summary: DWI Defense Isn't Hopeless — It's Strategic

Many people charged with DWI assume they have no choice but to plead guilty. That's a mistake.

Every case is different, but experienced attorneys know how to:

- Spot weaknesses in the evidence
- Challenge flawed procedures
- Introduce alternate explanations
- Create reasonable doubt

The sooner your lawyer can start analyzing the facts and requesting records, the better your chances of building a strong defense.

You don't need to know the law. You just need to know that you have options—and a right to fight.

Frequently Asked Questions

Q: If my BAC was over the legal limit, do I still have a chance?

A: Yes. Breath and blood test results can be challenged based on how the test was given, machine accuracy, sample handling, or other factors. A high BAC doesn't automatically equal a conviction.

Q: Can I challenge the reason the officer pulled me over?

A: Absolutely. If the officer didn't have reasonable suspicion or probable cause for the stop, your attorney can file a motion to suppress—which may result in the entire case being dismissed.

Q: What if I have a medical condition that made me appear impaired?

A: That can be a valid defense. Conditions like diabetes, neurological disorders, or anxiety can mimic signs of intoxication. Your attorney can use medical records or expert testimony to explain this to the court.

Q: The officer said I failed the field sobriety tests. Can I fight that?

A: Yes. These tests are subjective, and many factors (fatigue, uneven ground, poor instructions) can affect the outcome. Your attorney can question how the tests were conducted and whether they were fair.

Q: There was no video of my arrest. Is that unusual?

A: Many agencies use dashcams and bodycams, but not all do—and some footage gets deleted if not requested quickly. If video is missing when it should exist, your lawyer may use that to challenge the credibility of the case.

Q: What does an expert witness do in a DWI case?

A: Experts help explain complex scientific or technical issues to the judge or jury. For example, they may challenge how a breath test machine works or show how medical conditions influenced your behavior or test results.

CHAPTER 9

GOING TO TRIAL: WHAT TO EXPECT IN A TEXAS DWI CASE

- 9.1 Should You Go to Trial?
- 9.2 Types of Trials in Texas DWI Cases
- 9.3 The Trial Timeline: Step by Step
- 9.4 Key Strategies Used in DWI Trials
- 9.5 What Happens If You're Found Not Guilty?
- 9.6 What Happens If You're Convicted at Trial?

Most DWI cases in Texas are resolved through plea agreements, dismissals, or diversion programs. But not all. In some situations, going to trial is the best—or only—way to fight the charge.

This chapter will walk you through the entire trial process, from deciding whether to go to trial to understanding what happens if you win or lose.

9.1 Should You Go to Trial?

Choosing to go to trial is a serious decision. It's your right—but it comes with risks. Your attorney will help you weigh the pros and cons based on the strength of the evidence, legal issues, and your personal goals.

Trial perspective: Going to trial doesn't mean you've failed. It means you're using your legal right to challenge the charge when the evidence is weak or the plea offer is unfair. It's not about drama—it's about defense.

When Trial Might Make Sense:

- The officer lacked a valid reason to pull you over
- The breath or blood test was botched or questionable
- You refused testing, and there's little physical evidence
- There are credibility issues with the officer
- A plea deal would still result in a conviction or harsh penalties
- You are factually innocent

Risks of Going to Trial:

- A guilty verdict can lead to higher penalties than a negotiated plea
- You may face jail time, a longer license suspension, or higher fines
- Trials are public, time-consuming, and emotionally stressful

That said, when the evidence is weak—or when the prosecution refuses to offer a fair deal—trial may be your best opportunity to protect your future.

9.2 Types of Trials in Texas DWI Cases

In Texas, you have the right to choose between:

Jury Trial

- A group of six jurors (twelve for a felony) decides whether you are guilty or not guilty
- Jurors must unanimously agree on the verdict
- Your attorney can question (and challenge) jurors during jury selection

Bench Trial

- The judge alone hears the case and issues the verdict
- Usually quicker and simpler
- May be strategic in technical or legal defenses

Strategic choice: In technical cases (like breath test disputes), a bench trial with a judge might be smarter. In cases about perception (like field sobriety tests), a jury might be better. Your attorney will guide the choice. Your attorney will help you decide which option gives you the best chance—depending on the facts, the judge, and the overall feel of the case.

9.3 The Trial Timeline: Step by Step

Here's what typically happens in a Texas DWI trial:

1. Pretrial Motions

Before trial, your attorney may ask the judge to suppress evidence, limit testimony, or dismiss charges based on legal errors.

2. Jury Selection (Voir Dire)

If it's a jury trial, both sides question a pool of potential jurors. The goal is to seat a fair, impartial jury. Your attorney may exclude people who show bias against DWI defendants.

3. Opening Statements

Each side gives a short summary of what they believe the evidence will show. This frames the case for the jury.

4. Prosecution's Case

The state goes first. They call witnesses (usually the arresting officer) and present evidence such as:

- Dashcam or bodycam footage
- Test results
- Field sobriety test performance
- Police reports

Video impact: Juries trust what they see more than what they hear. If dashcam or bodycam footage shows calm behavior—or contradicts the officer's version—it can change the outcome.

5. Cross-Examination

Your attorney challenges the prosecution's evidence—pointing out inconsistencies, errors, or weak points in the officer's story.

6. Defense Case

Your lawyer may present evidence, call witnesses, or have expert testimony to challenge the test results or explain your behavior.

Your right to silence: You have the right to remain silent, even at trial. Many DWI defendants do not take the stand, and

that cannot be held against you. It's your choice—made with your attorney's advice.

Important: You are not required to testify. Whether you do or not is a strategic decision your lawyer will help you make.

7. Closing Arguments

Each side summarizes their case. The prosecutor argues for guilt; your attorney reminds the jury of doubt, errors, or missing evidence.

8. Jury Instructions and Deliberation

The judge explains the law to the jury, and the jurors meet privately to decide on a verdict.

9. Verdict

The jury (or judge, in a bench trial) issues a decision:

- Not Guilty = You are acquitted
- Guilty = The case moves to sentencing

9.4 Key Strategies Used in DWI Trials

Your attorney's trial strategy will depend on the facts, the weaknesses in the case, and the available evidence. Common strategies include:

- Attacking the traffic stop as unlawful
- Highlighting errors in the breath or blood test
- Showing that field sobriety tests were improperly administered
- Cross-examining the officer to reveal mistakes or contradictions
- Using video footage to show calm, coordinated behavior
- Presenting expert witnesses to question the science

- Pointing out that the state hasn't proven guilt beyond a reasonable doubt

Standard of proof: To win at trial, your attorney doesn't have to "prove" you were sober. They only have to show the jury that the state didn't prove its case beyond a reasonable doubt. Doubt is enough for a not guilty.

The goal isn't necessarily to "prove your innocence." The goal is to show the jury there is reasonable doubt—enough to vote not guilty.

9.5 What Happens If You're Found Not Guilty?

A not guilty verdict is a full acquittal. It means the state failed to prove its case, and you're legally cleared of the charge.

After a Not Guilty Verdict:

- You won't have a DWI conviction on your record
- You may be eligible to expunge the arrest from your record
- You don't have to pay fines or complete classes
- You can start moving forward immediately

Record clearing: If you're found not guilty, your arrest record doesn't disappear automatically—but it can be expunged. That means erased from public view, like it never happened.

Your attorney can help you file for expungement to completely erase the case from your public record—like it never happened.

9.6 What Happens If You're Convicted at Trial?

If the jury (or judge) finds you guilty, the case moves to sentencing. This may happen immediately or at a later hearing.

Possible Penalties for First-Time DWI:

- Up to 180 days in jail (sometimes probated)
- 12–24 months of probation
- Fines up to \$2,000
- License suspension
- Community service
- Alcohol education or treatment
- Ignition interlock device (especially for high BAC)

Your attorney may argue for leniency based on:

- Your clean record
- Your cooperation
- Steps you've taken since the arrest (like counseling)
- The circumstances of the case

Can You Appeal?

Yes, but appeals are limited to legal errors made during trial. They can take time and may not change the outcome.

Your attorney will discuss whether an appeal is worthwhile—or whether other post-conviction options (like non-disclosure) may apply.

In Summary: Trial Is a Risk, But Sometimes It's the Right One

Facing trial can feel scary—but it can also be your chance to clear your name, avoid a conviction, and move on with your life.

You're not alone. Your attorney will prepare you every step of the way, from evidence review to courtroom preparation. And if the case is weak, unclear, or unfair, trial may be your best option.

With the right defense, a DWI charge doesn't have to define your future.

Frequently Asked Questions

Q: How long does a DWI trial usually take?

A: Most DWI trials take 1 to 3 days, depending on the evidence, whether it's a jury or bench trial, and how many witnesses are involved. Complex cases may take longer, especially if experts testify.

Q: Can I choose between a judge or jury trial?

A: Yes. You and your attorney can elect a bench trial (judge-only), or proceed with a jury trial. The state must agree to a bench trial in DWI cases. Your lawyer will help you choose based on the strategy.

Q: Will I have to speak in court?

A: Not necessarily. You are never required to testify. Your lawyer may advise you to stay silent if it's better for your case—and the jury cannot take that silence as a sign of guilt.

Q: What if the officer lies or exaggerates on the stand?

A: That's why cross-examination is so important. Your attorney will use video footage, reports, and prior statements to challenge any false or misleading testimony. Inconsistencies can undermine the officer's credibility.

Q: What are my chances of winning at trial?

A: It depends on the strength of the evidence and the weaknesses your attorney can expose. Many first-time DWI cases go to trial because there are good defenses—like bad stops, flawed tests, or weak officer testimony.

Q: What happens if I'm found not guilty?

A: You're legally cleared. The charge stays on your record unless you file for an expunction, which your attorney can help with. This erases the arrest and charge completely.

Q: What if I'm convicted at trial?

A: The judge will determine your sentence, which may include jail, probation, fines, or a license suspension. Your attorney may still fight for a lighter sentence—or appeal the verdict if there were legal errors.

CHAPTER 10

AFTER THE CASE: LIFE WITH A DWI ON YOUR RECORD

- 10.1 Can You Expunge or Seal Your Record?
- 10.2 License Reinstatement
- 10.3 Getting Back to Work and Normal Life
- 10.4 Managing Insurance Increases
- 10.5 Coping with the Emotional Fallout
- 10.6 Long-Term Consequences and How to Rebuild

Whether you pled guilty, took a plea deal, or were convicted at trial, one thing is clear: your legal case may be over, but the consequences may continue.

The good news? There's a path forward. You're not stuck where you are. This chapter covers the next steps, from restoring your license and cleaning up your record to managing insurance, employment, and emotional recovery.

10.1 Can You Expunge or Seal Your Record?

One of the first questions many people ask after a DWI case is: Can I clear this from my record?

The answer depends on how your case ended.

Expunction (Complete Erasure)

You may qualify for an expunction if:

- Your case was dismissed
- You were found not guilty
- You completed a diversion program with a dismissal
- Charges were never filed or later dropped

An expunction erases the arrest, charge, and court record. It's like the case never happened—legally, you can even say you were never arrested.

You are not eligible for expunction if you were convicted.

Nondisclosure (Record Sealing)

If you received deferred adjudication and successfully completed probation, you may be eligible to have your record sealed through an Order of Nondisclosure.

This means:

- The public can't access your record
- Employers, landlords, and most background checks won't see it
- Law enforcement and some agencies still can

Alternative option: If your DWI case resulted in deferred adjudication, you may still qualify for record sealing through

an Order of Nondisclosure. It's not the same as an expunction, but it can still protect your privacy and your future.

There are waiting periods, depending on your outcome, and you must meet certain conditions. Your attorney can help you understand your eligibility and file the necessary paperwork.

10.2 License Reinstatement

If your license was suspended, you'll need to go through the reinstatement process before you can legally drive again without an occupational license.

Here's What That Involves:

- Paying a reinstatement fee to the Texas Department of Public Safety (DPS)
- Completing any required DWI education programs
- Maintaining SR-22 insurance for a period (typically 2 years)
- If ordered, keeping an ignition interlock device installed

Reinstatement requirements: Reinstating your license means more than just waiting out a suspension. You'll need to pay fees to DPS, submit the right forms, and possibly complete DWI education or treatment. Check your status at the Texas DPS Driver Eligibility Portal to avoid surprises.

You can check your license status and requirements through the DPS Driver Eligibility website.

If you were driving with an occupational license, you'll need to confirm that your full license is reinstated before resuming unrestricted driving.

10.3 Getting Back to Work and Normal Life

A DWI can disrupt your career, especially in jobs involving driving, professional licensing, or positions of trust.

Your Employment May Be Affected If:

- You hold a Commercial Driver's License (CDL)
- You work for a company with strict background check policies
- You're applying for a professional license (healthcare, education, law, finance, etc.)

What Can You Do?

- If your record was cleared, you can legally say you were never convicted or arrested.
- If the conviction remains, consider how and whether to disclose it. Your attorney may help you craft language for job applications or interviews.
- Focus on growth, not excuses—employers respect honesty and accountability.
- Continue to show that you're compliant, responsible, and moving forward.

Travel Considerations

Some countries—like Canada—may deny entry to individuals with a DWI conviction, even if it's a misdemeanor. Talk to an immigration attorney if international travel is important to you.

International travel restrictions: Some countries—including Canada—may deny entry to people with a DWI conviction, even for a misdemeanor. If international travel is part of your life or work, talk to an immigration attorney before booking.

10.4 Managing Insurance Increases

After a DWI, your car insurance company will likely raise your rates—sometimes significantly.

You may also be required to carry SR-22 insurance, which is a certificate proving you have the minimum coverage required by law.

SR-22 timeline: Most drivers are required to carry SR-22 insurance for 2 years after a DWI-related suspension. Stay continuously insured, and you'll be eligible to drop it when your time is up.

Tips to Manage the Cost:

- Shop around: Some insurers offer lower SR-22 rates than others
- Ask your attorney or agent to help you find DWI-friendly carriers
- Consider bundling policies to reduce costs
- Maintain a clean driving record moving forward
- Stay insured without lapses for the full required period (usually 2 years)

The good news: Higher rates won't last forever. If you avoid further offenses, your premiums will gradually return to normal.

10.5 Coping with the Emotional Fallout

The legal side of a DWI is tough—but the emotional weight can be just as heavy. Many people feel a mix of:

- Shame or embarrassment
- Guilt over the incident or outcome
- Anxiety about what others think
- Fear about the future

You're Not Alone

Millions of people across the U.S. have faced a DWI and gone on to rebuild their lives. What matters now is how you respond.

Emotional validation: Guilt, shame, anxiety—these are common after a DWI. But you're not the only one who's gone through this. Healing starts with recognizing that one mistake doesn't define your worth—or your future.

Ways to Heal and Grow:

- Talk to someone: A counselor, support group, or trusted friend
- Focus on what you can control: Compliance, work, relationships
- Avoid isolating: Guilt thrives in silence
- Consider treatment or education: If alcohol played a role, proactive steps help emotionally—and in court
- Remember: This doesn't define you. It's one chapter, not the whole story.

10.6 Long-Term Consequences — and How to Rebuild

A DWI can impact your life for years to come—but it doesn't have to ruin it.

Long-Term Effects May Include:

- A criminal record (unless sealed or expunged)
- Higher insurance for a time
- Restrictions on some job or license opportunities
- Future DWI arrests carrying enhanced penalties

But you can still move forward. Here's how:

Rebuilding Tips:

- Stay 100% compliant with all court orders
- Avoid any further legal trouble
- Explore record sealing or expunction as soon as you're eligible
- Maintain steady employment and strong personal relationships
- Use what you've learned to grow into someone wiser and more self-aware

Positive perspective: Many people use a DWI as a wake-up call—not just legally, but emotionally and personally. You can take control, regain stability, and move forward stronger than before.

A DWI conviction doesn't define your character. How you respond to it does.

In Summary: Life After a DWI Is Still Yours to Live

Your DWI case might be over—but your life isn't. Yes, there may be hurdles. But there are also solutions, second chances, and a path back to normalcy.

Whether you're focused on clearing your record, restoring your license, or simply feeling like yourself again, take it one step at a time.

You've come this far. Keep going.

Frequently Asked Questions

Q: How long will a DWI stay on my record in Texas?

A: If you were convicted, the DWI stays on your record permanently unless sealed (if eligible) or expunged (rare for convictions). If your case was dismissed or you were acquitted, you may be able to expunge it.

Q: What's the difference between expunction and nondisclosure?

A:

- Expunction = complete erasure of the arrest and charges. You can legally say it never happened.
- Nondisclosure = sealing the record from public view. Most employers and background checks won't see it, but law enforcement can.

Q: How do I know if I'm eligible for expunction or sealing?

A: Eligibility depends on your case outcome and history. You're more likely to qualify if:

- You weren't convicted
- You completed deferred adjudication successfully
- You haven't had recent criminal convictions

Your attorney can help evaluate and file for it.

Q: Can I lose my job because of a DWI?

A: It depends on your employer and role. Some jobs—especially those requiring driving, security clearance, or licenses—may be affected. But many people keep their jobs or find new employment after a DWI with no issue.

Q: Will my car insurance go up after a DWI?

A: Almost certainly, at least for the first 2–3 years. You'll likely need to carry SR-22 insurance, which adds to the cost. Shopping around and keeping a clean record moving forward can help reduce your rates over time.

Q: Can I get an ignition interlock removed early?

A: Usually no—you must keep the device for the full court-ordered period. But if you're fully compliant, on-time with reporting, and avoid any violations, you may be eligible to remove it promptly when the term ends.

Q: What's the best way to move on emotionally after a DWI?

A: Start by accepting what happened without letting it define you. Consider talking to a counselor, joining a support group, or taking a DWI education course. Focus on progress, not punishment.

CHAPTER 11

HOW TO MOVE FORWARD AND NOT MAKE THE SAME MISTAKE AGAIN

- 11.1 Reflecting on What Happened
- 11.2 Alcohol and Substance Abuse Resources in Texas
- 11.3 Counseling and Support Groups
- 11.4 Lessons Other People Have Learned the Hard Way
- 11.5 A Final Word of Encouragement: This Doesn't Have to Define You

No matter how your case ended—dismissal, conviction, or deferred adjudication—being arrested for DWI has likely changed something in you.

For some, it's a moment of embarrassment or inconvenience. For others, it's a wake-up call that reveals deeper issues, patterns, or pain.

Wherever you are in that spectrum, this chapter is here to help you reflect, heal, and move forward in a better direction.

11.1 Reflecting on What Happened

Reflection isn't about beating yourself up. It's about learning and growing from what happened, so you don't repeat it.

Important distinction: Looking at what happened isn't about beating yourself up. It's about learning—so you don't repeat the same mistake. Be honest with yourself, but also kind.

Ask yourself:

- What led to that decision to drive?
- What were the circumstances—and are they recurring?
- Was this truly out of character, or part of a pattern?
- How did this affect people around me?
- What needs to change in my life so I don't end up back here?

Shame vs. Accountability

Shame says, "I'm a bad person."

Accountability says, "I made a mistake, and I can do better."

DWI is serious, but it's also survivable. People recover, rebuild, and redeem themselves from worse. The key is to use this experience as fuel for growth, not a reason to stay stuck in guilt.

Perspective shift: You may feel stuck, embarrassed, or judged—but this isn't the end of your story. Your next chapter starts with one better choice at a time.

11.2 Alcohol and Substance Abuse Resources in Texas

If you're questioning your relationship with alcohol or other substances—even just a little—it may be worth exploring. You don't have to "hit rock bottom" to benefit from help.

Early intervention: You don't have to be addicted, struggling, or spiraling to benefit from counseling, a group, or a treatment program. If something inside you says "maybe I should talk to someone," listen to it.

Signs You Might Need Support:

- Drinking or using more than you planned
- Using alcohol or drugs to cope with stress, pain, or boredom
- Driving under the influence wasn't a one-time thing
- Loved ones have expressed concern
- You feel like you can't stop or cut back easily

Treatment Options in Texas:

- Outpatient programs (flexible, evening/weekend options)
- Inpatient rehab (more intensive support)
- Faith-based or community clinics
- Court-recommended or -approved programs
- Telehealth counseling (now widely available)

Available resources: Texas Health and Human Services offers confidential support through the Substance Use Helpline: 1-877-541-7905. You can get referrals, information, and local resources—no judgment, no cost.

Many programs offer sliding scale fees or financial assistance. You can start by calling the Texas Health and Human Services Substance Abuse Hotline at 1-877-541-7905 or visiting their website.

Getting help isn't a sign of weakness. It's a sign that you're ready to take control of your life.

11.3 Counseling and Support Groups

Sometimes, the issue isn't addiction—it's anxiety, trauma, or simply needing someone to talk to about what happened.

A DWI can shake your confidence, trigger shame, or surface deeper emotional pain. Talking to a therapist or counselor can help you make sense of it.

Counseling Can Help With:

- Processing guilt, fear, or self-judgment
- Learning healthier coping strategies
- Identifying patterns or risky behavior
- Repairing relationships damaged by the incident
- Building resilience for the future

Support Groups:

- Alcoholics Anonymous (AA): Peer-led, 12-step, widely available
- SMART Recovery: Science-based alternative to AA
- Celebrate Recovery: Christian-centered recovery group
- Local or online DWI recovery groups: Many are free or low-cost

You don't need a "serious" problem to benefit from support. If this experience rattled you, that's enough reason to reach out.

11.4 Lessons Other People Have Learned the Hard Way

One of the most powerful ways to prevent a second DWI is by learning from people who've been there—and often wish they had taken it more seriously the first time.

What Repeat Offenders Often Say:

- “I thought it was just bad luck the first time.”
- “I convinced myself I was fine to drive—again.”
- “I never really changed my habits after the first one.”
- “I didn’t ask for help because I didn’t think I needed it.”
- “The second arrest was so much worse—and harder to come back from.”

Learn from others: “I thought it was just a fluke.” “I didn’t change anything.” “I wish I had taken it seriously the first time.” Let someone else’s mistake be your lesson.

Habits That Help You Stay Safe:

- Plan ahead: If you’re going out, line up a sober ride in advance
- Use ride-share apps: Uber and Lyft are far cheaper than a DWI
- Set boundaries: Know your limits, and stick to them
- Keep alcohol out of driving scenarios: Avoid driving to events where you’ll drink
- Talk to friends: Create a support network that holds you accountable

11.5 A Final Word of Encouragement: This Doesn’t Have to Define You

You are not your worst mistake.

A DWI is serious, but it’s not a life sentence. It doesn’t mean you’re a bad person, a failure, or hopeless. It means you’re human—and like all humans, you’re capable of learning, growing, and changing.

If No One Has Told You This Yet:

- You still deserve good things.
- You still have the power to turn this around.
- You still have value, purpose, and a future.
- You are still allowed to forgive yourself.

Realistic expectations: You don't have to become a different person overnight. You just need to move a little closer to the version of you who doesn't end up back in court. Better, not perfect, is the goal.

Let this chapter of your life be a turning point, not an ending. Keep moving. Keep growing. Keep going.

And if you ever need to hear it again: You've got this.

Frequently Asked Questions

Q: Do I have to get counseling if I don't think I have a problem?

A: No one can force you—unless it's court-ordered. But even people who aren't addicted find counseling helpful after a DWI. It's a chance to reflect, talk through the experience, and reduce the chances of it happening again.

Q: What if I only made one mistake and don't plan to do it again?

A: That may be true. Still, reflecting on why it happened and creating safeguards for the future is wise. Even one mistake can have long-lasting consequences—so the key is making sure it never happens again.

Q: How do I know if I need help for alcohol use?

A: Ask yourself:

- Do I often drink more than I meant to?
- Have I driven after drinking more than once?
- Do I feel like I need alcohol to relax or socialize?

If the answer is “yes” more than once, it’s worth talking to someone—even just to be safe.

Q: Are there free or affordable treatment options in Texas?

A: Yes. Texas has state-funded programs, sliding scale counseling, and nonprofit organizations offering low-cost treatment. Start by calling 2-1-1 or 1-877-541-7905 for referrals.

Q: Is Alcoholics Anonymous (AA) my only option?

A: Not at all. While AA helps many, you can also look into:

- SMART Recovery (science-based)
- Celebrate Recovery (faith-based)
- Individual therapy
- Online support groups

Choose what works best for your comfort, beliefs, and needs.

Q: What can I do today to start moving forward?

A: A few small but powerful steps:

- Make a written list of lessons you’ve learned
- Talk to someone you trust
- Schedule a consultation with a counselor
- Decide on your “no drinking and driving” plan going forward
- Remind yourself: This mistake doesn’t define you.

APPENDICES

- A. ALR Hearing Request Instructions (Step-by-Step)
- B. Occupational License: Application Checklist
- C. DWI Terms Glossary
- D. Texas DWI Penalty Chart (First, Second, Third Offense)
- E. Courtroom Etiquette Tips

Appendix A: ALR Hearing Request Instructions (Step-by-Step)

How to request a hearing to fight your license suspension

If you were arrested for DWI and either refused or failed a breath or blood test, the Texas Department of Public Safety (DPS) may try to suspend your license. You have the right to request an Administrative License Revocation (ALR) hearing—but you only have 15 days from the date of your arrest to do it.

How to Request Your ALR Hearing:

1. Visit the DPS Hearing Request Page: Go to: <https://www.dps.texas.gov/section/driver-license/administrative-license-revocation>
2. Click on “ALR Hearing Request”: You’ll be taken to an online form. You can also request by fax or mail (info on the site).
3. Have This Info Ready:
 - Full name as it appears on your driver’s license

- Driver's license number
 - Date of birth
 - Arrest date
 - Arresting agency (e.g., Austin Police Dept., Texas DPS)
 - Whether you refused or failed the test
4. Submit Your Request: Do this within 15 days of the arrest. You'll receive a letter with your hearing date and location (in-person or virtual).
 5. Hire an Attorney (Strongly Recommended): They can attend the hearing for you, subpoena the officer, and challenge the evidence.

Appendix B: Occupational License Application Checklist

What you need to legally drive if your license is suspended

An Occupational Driver's License (ODL) allows you to drive for essential needs (work, school, medical appointments) during a suspension.

Checklist for Applying for an ODL:

- Court Petition: Your attorney prepares this and files it in the correct court.
- Court Order Granting the ODL: Must be signed by a judge. It outlines when, where, and why you can drive.
- SR-22 Insurance Certificate: A special type of insurance form filed by your insurer with DPS.
- ODL Filing Fee (DPS): \$10 per year of license validity. Submit to DPS with the required paperwork.
- Copy of Driving Record: Obtainable from DPS or your attorney.

- **Proof of Need:** A letter from your employer or school, or your own affidavit if self-employed.
- **Ignition Interlock (if required):** For some offenses, you must install and maintain a breathalyzer device.
- **Waiting Period (if applicable):** Some repeat or aggravated offenses have a waiting period before you can apply.
- **Copy of Court Order in Vehicle:** You must carry the signed court order at all times while driving.

Appendix C: Texas DWI Terms Glossary

Plain-English definitions of key legal terms you may hear during your case

- **DWI (Driving While Intoxicated):** Operating a motor vehicle with a BAC of 0.08% or higher or while impaired by alcohol/drugs.
- **ALR (Administrative License Revocation):** A separate process to suspend your license after a DWI arrest, handled by DPS.
- **BAC (Blood Alcohol Concentration):** The percentage of alcohol in your bloodstream.
- **SR-22 Insurance:** Proof of high-risk auto insurance required after DWI suspensions.
- **Occupational License (ODL):** A restricted license allowing you to drive for essential purposes during a suspension.
- **Deferred Adjudication:** A plea where judgment is postponed. If completed successfully, the case may be sealed.
- **Expunction:** The complete removal of a criminal record—only available under certain conditions.
- **Nondisclosure:** Sealing your record so most employers or landlords can't see it.

- Field Sobriety Tests (FSTs): Roadside tests officers use to determine impairment (e.g., walk-and-turn, one-leg stand).
- Ignition Interlock: A breathalyzer device installed in your car that prevents it from starting if alcohol is detected.

Appendix D: Texas DWI Penalty Chart

Penalties increase with each offense and can include jail, fines, and license suspension.

1st DWI

- Jail Time: 3–180 days (jail may be probated)
- Fines: Up to \$2,000
- License Suspension: 90 days–1 year
- Other Penalties: If BAC ≥ 0.15 , conviction is a Class A misdemeanor with 0–365 days in jail and up to a \$4,000 fine.

2nd DWI

- Jail Time: 30 days–1 year
- Fines: Up to \$4,000
- License Suspension: 180 days–2 years
- Other Penalties: Mandatory interlock, community service

3rd DWI (Felony)

- Jail Time: 2–10 years (prison)
- Fines: Up to \$10,000
- License Suspension: 180 days–2 years
- Other Penalties: Felony record, longer interlock, possible vehicle forfeiture

DWI with Child Passenger

- Jail Time: Up to 2 years (State Jail Felony)
- Fines: Up to \$10,000
- License Suspension: Up to 180 days
- Other Penalties: Mandatory interlock, CPS involvement

Note: Penalties vary by county, BAC level, and case details. Speak to your attorney for specifics.

Appendix E: Courtroom Etiquette Tips

How to make a good impression when appearing in court

- Dress Neatly: Business casual is best—no shorts, flip-flops, or graphic T-shirts. Court is not the place for casualwear.
- Arrive Early: Plan to be there at least 30 minutes early to find parking, pass security, and locate your courtroom.
- Be Polite and Respectful: Address the judge as “Your Honor.” Don’t interrupt. Stand when speaking.
- Turn Off Your Phone: Or silence it completely. Don’t text or browse during court.
- Follow Your Lawyer’s Lead: Let your attorney do the talking unless instructed otherwise.
- No Gum, Food, or Drinks: Even water bottles may not be allowed unless approved by the court.
- Bring Your Paperwork: Any court notices, bond conditions, or documents your attorney needs.

CONCLUSION

You've made it to the end of this guide, so give yourself some credit. That means you're taking this seriously. You're looking for answers. And most importantly, you're taking steps toward moving forward.

That matters. Getting charged with a DWI can be one of the most overwhelming experiences in someone's life. The arrest, the court appearances, the fear of losing your license or going to jail; it's a lot to carry, especially if you've never had a run-in with the law before.

But now you know this: You are not powerless, and you are not alone.

You've learned how the DWI process works in Texas. You've seen the difference a good defense can make. You've gained insight into your rights, your responsibilities, and your options.

And hopefully, you've started to reflect not just on what happened, but on what happens next.

What You Do Next Matters More Than What Happened

Whether this was a one-time mistake or a wake-up call, the most important decisions are still ahead of you. Will you take responsibility? Will you follow through? Will you use this as a turning point?

If you've read this book cover to cover, you already know how. The path is here; you just have to keep going.

Reminders

- Act quickly after your arrest, especially with license-related deadlines.
- Hire an attorney who focuses on DWI defense in Texas.
- Show up, stay organized, and follow court orders to the letter.
- Learn from this, whether it means changing habits, seeking help, or setting new boundaries.

If you haven't yet selected your defense attorney, we stand ready to help you.

Stephen Hamilton

Texas Criminal Defense Group
<https://texascriminaldefensegroup.com/>
806-444-4444

Offices in: Amarillo, Austin, Dallas, Denton, Fort Worth, Houston, Lubbock, McKinney, Midland, Odessa, San Angelo, and San Antonio.

Google Reviews

4.9 rating, 500+ reviews

Adrian Hernandez ★★★★★

My experience with them was just awesome! Never felt like I was clueless, they were super helpful through the whole process and we got exactly what we were fighting for without me even having to lift a finger really! 10 out of 10, great work!

Anayancy Quintana ★★★★★

I had a case opened from about 3 years ago, that I had no idea about. I contacted this firm for all the great reviews. I didn't have to show up or do anything really, my lawyer got the charge dismissed and I got to go on with my life. Highly recommend.

Brandon Paz ★★★★★

This team of professionals are highly versed in all areas of criminal defense! They have come through time and time again with favorable results! I like to say that they "work their magic!" Very thorough, and precise in their work! Highly recommend!!

caitlin nino ★★★★★

If I could give 10 stars I would! This group not only did their best to get the best outcome for me, but they treated me like a friend as well. It's very easy to get in contact with them if you have any questions which was the best part. TCDG are very attentive, very friendly personally I believe they deserve the Best In Texas plaque! If you've ever found yourself in a pickle this family is the way you want to go!

Daniel ★★★★★

I cannot thank the Texas Criminal Defense Group enough for their incredible work on my case. Facing 2 to 10 years for a crime I didn't commit was the hardest thing I've ever endured, but they gave me peace of mind throughout the entire process. They were extremely thorough, professional, and dedicated, always keeping me informed and reassured. Their commitment to proving my innocence was unwavering. They went above and beyond, treating my case with the seriousness and care it deserved. Thanks to their expertise and tireless efforts, I was able to walk away with my name cleared, and I can now move forward with my life.

Juan Montez ★★★★★

TCDG has been great in helping me with my case! My lawyer was straight forward about what to expect and that helped me prepare mentally about what was to come. Everyone has been amazing at communicating to me what needed to be done throughout the process! I would recommend them to anyone!

Navigating a Texas DWI

Protect Your License. Defend Your Freedom. Take Back Control.

If you've recently been arrested for Driving While Intoxicated (DWI) in Texas, you're probably feeling anxious, confused, and unsure what comes next.

Will I lose my license? Am I going to jail? Do I need a lawyer? How bad is this going to get?

This guide has answers

Written in plain English for first-time DWI defendants, *Charged with a Texas DWI for the First Time?* walks you through every step of the process: from arrest to ALR hearings, from court dates to license reinstatement, and beyond.

You'll learn what to expect, what's at stake, and most importantly, what you can do right now to protect your future. Inside, you'll discover:

- What your arrest means, and what it doesn't
- How to request an ALR hearing and fight license suspension
- How DWI lawyers build strong defenses... even when the evidence seems stacked against you
- What happens in court, and how to prepare for trial
- How to avoid common mistakes that can make things worse
- How to rebuild your life after a conviction or dismissal
- Resources for support, recovery, and second chances

One mistake doesn't have to define your life

This book is your step-by-step guide to understanding the system, asserting your rights, and moving forward with clarity and confidence.

About the Author

Attorney Stephen Hamilton is the founding partner and lead trial attorney at The Texas Criminal Defense Group. Stephen ranks among the fewer than 1% of practicing criminal attorneys across Texas who have achieved coveted board certification in criminal law by the Texas Board of Legal Specialization. He has been awarded numerous awards, and his counsel is highly esteemed by his peers. He is a lifetime legal member of the National Association of Criminal Defense Attorneys, the Texas Criminal Defense Lawyer's Association, and several other regional legal associations.

